

John Hall, *Chairman*  
Pam Reed, *Commissioner*  
R. B. "Ralph" Marquez, *Commissioner*  
Dan Pearson, *Executive Director*



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

September 11, 1995

Mr. Maurice Fischer  
Midtex Oil, Inc.  
3455 IH-35 South  
New Braunfels, Texas 78132

Re: **Edwards Aquifer**, Comal County  
PROJECT: Midtex Oil Company - Pit Stop No. 14, Located at  
NW corner of SH 46 N and Timber Hollow, ~ 1 mile N  
of Loop 337, New Braunfels, Texas.  
TYPE: Request for Modification of Water Pollution  
Abatement Plan (WPAP); 30 Texas Administrative  
Code (TAC) §313.4; Edwards Aquifer Protection  
Program.

Dear Mr. Fischer:

The Texas Natural Resource Conservation Commission (TNRCC) has completed their review of the request for modification of the WPAP for the referenced project that was prepared by Dwight Russell Associates on behalf of Midtex Oil, Inc on August 28, 1995.

### PROJECT DESCRIPTION

This project is a modification of the original WPAP which was approved on June 30, 1995. The modifications include the following changes to the original WPAP:

1. The inlet to the stormwater detention and filtration basin has been modified to remove the collection grate across the east driveway entrance with stormwater being routed to a flow diversion flume located in the northeast corner of the paved area. The design of this structure provides for the first 0.5 inches of runoff to be diverted to the detention and filtration basin and excess runoff to travel to the street via a concrete-lined channel. The topographic contours have been modified to effect stormwater routing to the flow diversion flume. There is no increase in impermeable cover incurred with this design change.

- 2 The car wash facility is being constructed concurrent with the convenience store so the references to the initial curb lines and the future car wash have been removed from the drawings.
- 3 A canopy has been added to connect the store building with the fuel island canopy. A topographic high has been added beneath this new canopy section which will divert runoff to the driveway located west and north of the store building. This driveway in turn routes runoff to the flow diversion flume in the northeast corner of the paved area.

#### APPROVAL

The plan for this project has been reviewed for compliance with 30 TAC §313.4 which sets forth pollution abatement criteria for any development on the recharge zone of the Edwards Aquifer. The proposed water pollution abatement plan is in general agreement with 30 TAC §313.4; therefore, approval of the plan is hereby granted subject to the specific conditions listed below.

**Failure to comply with any of the following conditions, the deed recordation requirement, or any other specific conditions of approval is a violation of these rules. Pursuant to §26.136 of the Texas Water Code, any violations of the Edwards Aquifer Rules may result in administrative penalties of up to \$10,000 for each act of violation and for each day of violation.**

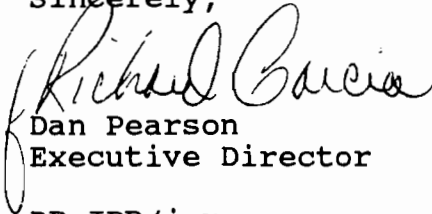
#### SPECIAL CONDITIONS

1. This modification is subject to all Special and Standard Conditions listed in the WPAP approval letter of June 30, 1995.
2. The TNRCC may monitor site conditions and stormwater discharges from the site to evaluate the adequacy of the temporary and permanent pollution abatement measures. Additional protection may be necessary if excessive solids are being discharged from the site or evidence of contamination is present.

Mr. Maurice Fischer  
September 11, 1995  
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If you have any questions or require additional information, please contact Julie Rogers, or another representative of the Edwards Aquifer Protection Program, at the San Antonio Regional Office, (210) 490-3096.

Sincerely,



Handwritten signature of Dan Pearson in cursive script.

Dan Pearson  
Executive Director

DP-JPR/jpr

cc: Mike Shands, Director of Planning, City of New Braunfels  
Carter Casteel, County Judge, Comal County  
Monica Wallace, Comal County Office of Environmental Health  
Danny Scheel, Comal County Commissioner  
Rick Illgner, Edwards Underground Water District  
Julie Rogers, TNRCC San Antonio Regional Office  
TNRCC San Antonio Regional Office - Program File  
TNRCC Field Operations - Austin (with attachment)

Robert J. Huston, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
John M. Baker, *Commissioner*  
Jeffrey A. Saitas, *Executive Director*



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

March 23, 2000

RECEIVED

MAR 24 2000

COUNTY ENGINEER

Mr. Rodney R. Fischer, P. E.  
Manager of Environmental and Engineering  
Midtex Oil, Inc.  
3455 IH 35 South  
New Braunfels, TX 78132

Re: EDWARDS AQUIFER, Comal County  
PROJECT: Midtex Oil Company - Pit Stop No. 14, Located at NW corner of SH46 and  
Timber Hollow intersection, New Braunfels, Texas  
TYPE: Technical Assistance; 30 Texas Administrative Code (TAC) §213; Edwards  
Aquifer Protection Program (EAPP), Project File Number -1311.01

Dear Mr. Fischer:

The Texas Natural Resource Conservation Commission (TNRCC) received a request for technical assistance regarding proposed regulated activities for the referenced projects that was submitted by you and received by the San Antonio office on January 19, 2000.

The request is that the EAPP Approval Letter, dated July 6, 1995, for the subject facility be amended such that the requirement of vapor/conductivity probes in two of the facility's four tank hold observation wells be eliminated from the approval document. Justification for this amendment is that such additional monitoring is not required by either 30 Tex. Admin. Code Chapter 213 - Edwards Aquifer Protection Regulations or 30 Tex. Admin. Code Chapter 334 - Petroleum Storage Tank Regulations. The subject facility has in place and operating all the monitoring devices and equipment required by the referenced regulations. The additional monitoring devices provide only an unneeded redundancy.

The request has been reviewed by agency staff and found to be reasonable and therefore acceptable. Accordingly, the facility's approval letter, dated July 6, 1995, (copy enclosed) is herewith amended such that the fourth paragraph on page 2 now reads "... Four (4) 4-inch diameter slotted PVC observation wells will be installed in the corners of the tank pit excavation. Each tank will also be equipped ..."

REPLY TO: REGION 13 • 140 HEIMER RD., STE. 360 • SAN ANTONIO, TEXAS 78232-5042 • 210/490-3096 • FAX 210/545-4329

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: [www.tnrcc.state.tx.us](http://www.tnrcc.state.tx.us)

printed on recycled paper using soy-based ink

Mr. Rodney R. Fischer, P. E.  
March 23, 2000  
Page 2

Similarly, the first sentence of the last paragraph on page 2 of the approval letter is herewith amended to read "The probes and sensors from all tanks and piping will be connected to a programmable control unit to be located in the store building."

All of the remaining wording and conditions of the original approval letter (dated July 6, 1995) shall remain intact and unchanged.

Should clarification of this letter be desired or if we may be of any other assistance, please contact Mr. H. W. Merritt of our San Antonio Region office at 210/403-4073. Please reference Project File Number -1311.01.

Sincerely,



Bobby D. Caldwell  
Water Section Manager  
San Antonio Region  
Texas Natural Resource Conservation Commission

BDC/HWM/eg

Enclosure: Letter dated July 6, 1995

cc Mr. Harry Bennett, City of New Braunfels  
Mr. Mike Shands, City of New Braunfels  
Mr. Tom Hornseth, Comal County  
Mr. Greg Ellis, Edwards Aquifer Authority  
TNRCC Field Operations, Austin

John Hall, *Chairman*  
Pam Reed, *Commissioner*  
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Dan Pearson, *Executive Director*



R13

## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

July 6, 1995

Mr. Greg Korman  
Midtex Oil, Inc.  
3455 IH-35 South  
New Braunfels, Texas. 78132

Re: Edwards Aquifer, Bexar County.

PROJECT NAME: Midtex Oil Company - Pit Stop No. 14, Located at NW corner of SH 46 N and Timber Hollow, ≈ 1 mile N of Loop 336, New Braunfels, Texas.

PLAN TYPE: Request for Approval of Underground Storage Tank (UST) Facility Construction Plans and Specifications; 30 Texas Administrative Code (TAC) §313.10; Edwards Aquifer Protection Program.

Dear Mr. Korman:

The Texas Natural Resource Conservation Commission (TNRCC) has completed its review of the plans and specifications for the referenced project that were submitted by Dwight Russell Associates on behalf of Midtex Oil, Inc and received by the San Antonio Regional Office on February 24, 1995. Final review of the UST submittal was completed after additional material was received on April 10, 1995 and June 28, 1995.

A site inspection was conducted by a field investigator from the San Antonio Regional Office on April 10, 1995. The field investigator found no karst features, or fractures on the site.

### PROJECT DESCRIPTION

The proposed new underground static hydrocarbon storage system (UST) will consist of two (2) new double-wall fiberglass tanks (manufactured by Xerxes) to be used for the storage of gasoline and diesel. One (1) UST will contain 15,000 gallons of gasoline. The other UST will be a 16,000 gallon two (2) compartment tank which will contain gasoline and diesel fuel.

Overfill prevention for each tank will be provided by an automatic shut off valve which will be installed in the tank below the fill tube and must be set to shut off flow into the tank when the volume of liquid in the tank reaches no more than 95% of the tank capacity. Spill protection for each tank will be provided by a spill containment manhole which will be fitted on the fill tube of each tank.

REPLY TO: REGION 13 • 140 HEIMER RD., SUITE 360 • SAN ANTONIO, TEXAS 78232-5042 • AREA CODE 210/490-3096

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000

Mr. Greg Korman  
Page 2  
July 6, 1995

Each pump will be fitted with an electronic line leak detector designed to detect a leak in the product piping between the detector and the dispenser.

Product lines will be U.L. listed and of double-wall construction. They will consist of a 2-inch diameter primary pipe within a 3-inch diameter secondary containment pipe. Vent lines will be U.L. listed and be 2-inch diameter single-wall pipe. A safety shear valve will be installed on each product line at the dispenser island surface level to assure automatic shut-off of product flow during emergencies. In addition, stainless steel braid flexible connectors will be installed at both ends of each product line to connect to the dispenser unit and the submersible pump.

Corrosion protection for the metallic components of the underground storage systems will be provided by electrical isolation. The submersible pump housings and pump-end flexible connectors will be installed within a liquid-tight fiberglass-reinforced plastic piping sump which will provide isolation from the corrosive elements of the backfill material while also providing secondary containment for any leaks from these components. The dispenser-end flexible connector will be similarly isolated by enclosure within a flexible isolation sleeve. The vapor recovery riser, the fill tube riser, and the riser for the automatic tank gauging system will be thoroughly wrapped with a suitable dielectric material.

The proposed tanks and piping will be monitored for leaks by means of a multi-channel inventory, leak detection, and an electrical line pressure monitor. Each tank will be equipped with a liquid discrimination sensor which will be installed in the interstitial space between the walls of the double-wall tanks. Each of the product piping systems will be monitored by a liquid discrimination sensor which will be installed adjacent to the submersible pump in the piping sump. Four (4) 4-inch diameter slotted PVC observation wells will be installed in the corners of the tank pit excavation, of which two wells will be equipped with a vapor/conductivity (water) probe to provide a means of monitoring the backfilled tank pit area. Each tank will also be equipped with an automatic tank gauging probe which will automatically inventory the product volume in the tank. Each product piping line will be equipped with an electronic positive flow shut off that is designed to stop product flow in the event a leak in the product line is detected.

The probes and sensors from all tanks, piping, and observation wells will be connected to a programmable control unit to be located in the store building. This central monitoring unit is designed to provide visual and audible alarms when hydrocarbon liquids, hydrocarbon vapors, or water is detected.

Mr. Greg Korman  
Page 3  
July 6, 1995

#### APPROVAL

The planning materials for the proposed underground static hydrocarbon storage facility have been reviewed by the Commission's staff. As presented the system was designed by a TNRCC Registered Contractor or Texas Registered Professional Engineer to be in accordance with the requirements of 30 TAC §334, Underground Storage Tanks, and 30 TAC §313.10, which establishes the criteria for static hydrocarbon and hazardous substance storage facilities located in the Edwards Aquifer Recharge Zone. Therefore, based on the UST system owner's certification of compliance the planning materials for construction of the proposed facilities are hereby approved, subject to the following conditions.

Failure to comply with any of the following conditions or any other specific conditions of approval is a violation of these rules. Pursuant to Section 26.136 of the Texas Water Code, violations of these rules may result in administrative penalties of up to \$10,000 for each act of violation and for each day of violation.

#### SPECIAL CONDITIONS

During Construction:

1. A water quality pond shall be excavated and used as a sedimentation basin during construction. The sedimentation basin shall be converted to the permanent sedimentation/filtration basins prior to placement of any hydrocarbon products in any onsite underground storage tank.
2. The new tankpit shall be evaluated by a geologist after excavation but prior to placement of any bedding, tanks, piping, or backfill. The evaluation shall include representative photographs and an assessment of the tankpit forwarded to the San Antonio Regional Office. If any solution openings, caves, faults, fractures, etc. are present, engineering plans must be submitted by a Texas Registered Professional Engineer which insure the structural integrity of the underground storage tank. Construction may continue with the written approval from the Texas Natural Resource Conservation Commission.
3. The UST system shall be inspected in accordance with applicable provisions of 30 TAC §334 prior to being placed into service.



STANDARD CONDITIONS

1. For projects on the recharge zone all temporary erosion and sedimentation (E&S) controls shall be installed prior to all other construction at the site. (1) **Silt fences** should be used when the drainage area is less than 2 acres and the slope is less than 10%. (2) **Rock berms with filtration** should be used when the drainage areas are greater than two acres or when the slopes are in excess of 10%. The bottom edge of the filter fabric must be buried a minimum of 6 inches below grade.
2. The TNRCC may monitor stormwater discharges from the site to evaluate the adequacy of the temporary erosion and sedimentation control measures. Additional protection may be necessary if excessive solids are being discharged from the site.
3. A copy of any local construction permit should be submitted to San Antonio Regional Office within 30 days of the issuance of this approval.
4. Prior to commencing construction, the applicant shall submit any modifications to this approved UST facility required by some other regulating authority or desired by the applicant. To amend this approval copies of any changes to the plans and specifications shall be submitted to this office and all other permitting authorities. As indicated in 30 TAC §313.4 and 30 TAC §313.27, an application to amend any approved regulated activity shall include payment of appropriate fees and all information necessary for its review and Executive Director approval.
5. All contractors conducting regulated activities associated with this proposed regulated development shall be provided with copies of this approval letter and the entire contents of the submitted UST Plans & Specifications so as to convey to the contractors the specific conditions of approval. During the course of regulated activities, the contractors shall be required to keep on-site copies of the UST Plans and this approval letter.
6. Pursuant to 30 TAC §313.4(d)(1), prior to commencing construction, the applicant must notify the San Antonio Regional Office at least 48 hours prior to initiation of construction.
7. If any solution openings or sinkholes are discovered during the construction of the tank excavation, all excavation and

Mr. Greg Korman

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July 6, 1995

installation activities shall be immediately suspended, and the owner or his designated representative shall notify the San Antonio Regional Office. Upon completion of the excavation, a qualified geologist shall inspect the pit. Further excavation and installation activities shall not proceed until the Commission has reviewed and approved the methods proposed to protect such features from any potential adverse impacts of the hydrocarbon storage facility.

8. All UST installations, repairs, and removals must be conducted by a registered UST contractor who has a licensed installer or on-site supervisor at the site during all critical junctures, as required by 30 TAC §334 Subchapter I.
9. Installation, testing, and operation of the tanks, piping, and all other components of the proposed storage and monitoring systems shall be in conformance with the manufacturer's specifications and the procedures described in this letter.
10. An "as-built" project-specific site design plan shall be drawn to scale and of sufficient accuracy, clarity, and detail to depict the specific locations and dimensions of all components of the underground storage tank system, including the tanks, piping and fittings, pumps, observation wells, containment equipment, release detection devices, and other auxiliary equipment. Also, detailed construction drawings of plan and profile views and detail drawings of specific components shall be prepared. A copy of such "as-built" site plan and construction drawings, as well as operating instructions for all major system components and written records of all tank tests, piping tests, release detection monitoring results, and other inspections, shall be maintained in a secure location at the site of the proposed facility and shall be available for examination by Commission personnel.
11. The owner of the proposed facility shall assure that the storage tank system is installed, operated, and maintained in full compliance with the applicable provisions of 30 TAC §334 of Commission rules, which establishes the requirements for the design, installation, operation, construction notification, registration, fee assessment, financial responsibility, release reporting, and corrective action related to such system.
12. The owner/applicant of the UST system shall provide the TNRCC with written certification within 30 days and/or prior to dispensing fuel that all components listed and described in this application are U.L listed or certified by a 3<sup>rd</sup> party and

Mr. Greg Korman  
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are compatible and will function to provide the required

release detection, corrosion protection and overflow and spill prevention pursuant to 30 TAC §313.10 and 30 TAC §334, Subchapter C.

13. All underground metallic components of the proposed system which are not electrically isolated from the backfill material (including any vent line fittings and connectors, risers for monitoring equipment and fill tubes, containment manholes, etc.) must be properly protected from corrosion in accordance with 30 TAC §334.49 of Commission rules.
14. The flexible connectors at the dispenser-end of the product piping lines, which are enclosed within secondary containment sleeves and which cannot be visibly inspected for evidence of corrosion, shall be periodically tested by a qualified corrosion technician or specialist to ensure that the metal components of such connectors remain electrically isolated from the surrounding backfill, groundwater, and other metal components. Such tests shall be conducted within three to six months after installation and at least once every three years thereafter, in full conformance with the requirements in 30 TAC §334.49(d)(1) of Commission rules.
15. All piping must slope at least one-eighth inch per foot in the direction of the tank [as required by 30 TAC §334.46(c)(1)].
16. When applicable, field-installed cathodic protection systems shall be designed by a qualified corrosion specialist [as required by 30 TAC §334.49(c)(2)]. Additionally, all factory-installed and field-installed cathodic protection systems shall be properly tested for operability and adequacy of protection by a qualified corrosion technician or corrosion specialist after the UST system installation is completed but prior to placing the system into operation [as required by 30 TAC §334.46(d)(4)(c)].
17. The facility owner should be aware of the proposed federal EPA regulations for benzene emissions (40 CFR Part 61). The proposed regulations will require the addition of Stage I vapor recovery equipment by 1991 or 1992 (depending on volume of throughput) for all service stations with an annual throughput greater than 120,000 gallons. The owner should consider the feasibility of installing the Stage I vapor recovery equipment as part of this installation project to preclude the need for additional construction in the future.
18. A release contingency training program shall be established

Mr. Greg Korman  
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for on-site personnel, in addition to release detection equipment training seminars. Simple instructions, outlining

the employee's responsibilities in the event of a release, shall be located in an area which is readily accessible to employees at all times.

19. Documentation of continuing training on leak detection equipment shall be maintained on-site.
20. It is recommended that signage be permanently posted and maintained in good condition at each fuel dispenser and tank fill tube which reminds users they are on the Recharge Zone of the Edwards Aquifer.

If you have any questions or require additional information, please contact Julie Rogers, or another representative of the Edwards Aquifer Protection Program, at the San Antonio Regional Office, 210/490-3096.

Sincerely,



J. Richard Garcia,  
Regional Manager, for

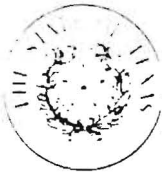
Dan Pearson,  
Executive Director

JRG/JPR-jpr

cc: Dwight Russell, P.E., Dwight Russell Associates  
Rebecca Cedillo, San Antonio Water System  
Rick Illgner, Edwards Underground Water District  
Ray Rendon, P.E., Environmental Engineer, Bexar County  
TNRCC - San Antonio Regional Office - Program File  
TNRCC - Central Records (with attachment)



Barry R. McBee, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
John M. Baker, *Commissioner*  
Dan Pearson, *Executive Director*



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COUNTY ROAD DEPT.

## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

March 27, 1998

Mr. Rodney Fischer  
Midtex Oil, Inc.  
P.O. Box 339  
San Antonio, TX 78216

Re: EDWARDS AQUIFER, Comal County  
PROJECT: Midtex Oil, Located at 1516 Wald Road, New Braunfels, Texas

Dear Mr. Fisher:

The Texas Natural Resource Conservation Commission (TNRCC) has completed its review of the faxed request submitted by Midtex Oil Inc. requesting confirmation of the approval letter written by the TNRCC (then the Texas Department of Water Resources) dated November 7, 1983.

According to the approval, four 8,000 gallon single wall fiberglass tanks with a continuous leak detection system which monitors product lines, was approved for installation at your facility. The November 7, 1983, approval was granted based on the determination that the proposed installation provided a level of protection to the Edwards Aquifer equal to or greater than the protection which would have been provided by double walled tanks, therefore it was the recommendation of the TNRCC to authorize installation of the proposed system.

Based on your request to determine the validity of the November 7, 1983, letter TNRCC will continue to honor the approval based on the following conditions:

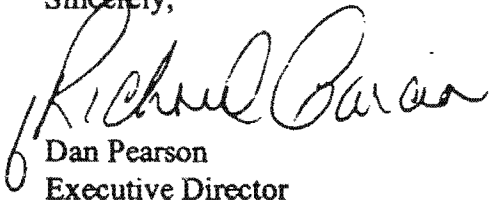
1. The continuous leak detection system for the product lines is still operable and in good working condition as per manufacturer's recommendation and as approved in the original approval.
2. Annual tank tightness testing has been performed and will continue to be performed for the life of each of the tanks. Results for the last 5 years of each testing event must be submitted to the San Antonio Regional office within 30 days from the date of this letter in order to verify the integrity of the four existing tanks.

Mr. Rodney Fisher  
March 27, 1998  
Page 2

3. This authorization does not supersede any other modification, installation, or upgrade requirements required by the Petroleum Storage Tank Division (30 TAC 334) of the TNRCC.
4. Removal or modification to any of the UST's will require that the owner install a complete and updated system as per 30 TAC §213.5(d), effective December 27, 1996.
5. The owner of the proposed facility shall assure that the storage tank system is installed, operated, and maintained in full compliance with the applicable provisions of 30 TAC §213.5(e) and 30 TAC Chapter 334, and all local, state, and federal regulations.
6. A release contingency training program shall be established for on-site personnel, in addition to release detection equipment training seminars. Simple instructions, outlining the employee's responsibilities in the event of a release, shall be located in an area which is readily accessible to employees at all times.
7. Documentation of continuing training on leak detection equipment shall be maintained on-site.

Should clarification of this letter be desired or if we may be of any other assistance, please contact Tom Gutierrez of our San Antonio office at 210/490-3096.

Sincerely,



Dan Pearson  
Executive Director

DP/TG/eg

cc: Greg Ellis, Edwards Aquifer Authority  
Tom Hornseth, Comal County  
Harry Bennett, City of New Braunfels  
Mike Shands, City of New Braunfels

John Hall, *Chairman*  
Pam Reed, *Commissioner*  
R. B. "Ralph" Marquez, *Commissioner*  
Dan Pearson, *Executive Director*



DOCH 469107

RECEIVED  
JUL 13 1995  
SAN ANTONIO

## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

June 30, 1995

Mr. Greg Korman  
Midtex Oil, Inc.  
3455 IH-35 South  
New Braunfels, Texas 78132

Re: Edwards Aquifer, Comal County  
PROJECT: Midtex Oil Company - Pit Stop No. 14, Located at NW corner of SH 46 N and Timber Hollow,  $\approx$  1 mile N of Loop 337, New Braunfels, Texas.  
TYPE: Request for Approval of Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) §313.4; Edwards Aquifer Protection Program.

Dear Mr. Korman:

The Texas Natural Resource Conservation Commission (TNRCC) has completed their review of the WPAP application for the referenced project that was submitted by Dwight Russell Associates on behalf of Midtex Oil, Inc to the San Antonio Regional Office on February 24, 1995. Final review of the WPAP submittal was completed after additional material was received on April 10, 1995 and June 28, 1995.

### PROJECT DESCRIPTION

The proposed 0.786 acre Pit Stop No. 14 is to be developed as a commercial project and will consist of a convenience store dispensing fuel and a car wash. The site is located within the City of New Braunfels, and will conform with applicable codes and requirements of the City of New Braunfels. Potable water will be supplied by New Braunfels Utilities.

The normal population of the development will be store employees and customers. 790 gallons per day of wastewater is to be generated by this project, 68.4% domestic and 31.6% industrial wastewater. It will be disposed of by conveyance to the existing Gruene Wastewater Treatment Plant owned by New Braunfels Utilities.

The proposed impervious cover for the development, approximately 0.694 acres (88.3%), includes roof tops, driveways, sidewalks, and streets. Stormwater runoff will be typical of a commercial site.

### GEOLOGY ON SITE

According to the geologic assessment included with the submittal,

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Mr. Greg Korman  
Page 2  
June 30, 1995

two (2) potential recharge features were reported to be on the subject site. These man-made features were assessed as being of low significance as recharge features.

The Region 13 site inspection of April 10, 1995, revealed no additional recharge features.

#### GEOLOGY DOWN-GRADIENT OF SITE

According to the geologic assessment included with the submittal, six (6) potential recharge features were reported downgradient of the subject site. Four (4) features were assessed as being of low significance as a recharge feature. One (1) feature was assessed as being of moderate significance as a recharge feature. One (1) feature was assessed as being of high significance as a recharge feature.

#### POLLUTION ABATEMENT

##### I. During Construction:

The following measures will be taken to prevent pollution of stormwater originating on-site or up-gradient from the project site and potentially flowing across and off the site during construction:

- A. Stabilized construction entrances shall be installed at all sites of ingress and egress prior to initiation of any other regulated activity.
- B. Temporary erosion and sedimentation controls (silt fences and rock berms) shall be installed prior to initiation of any other regulated activity.
- C. The water quality pond shall be excavated and used as a sedimentation basin.

##### II. After Construction:

The following measures will be taken to prevent pollution of stormwater originating on-site or up-gradient from the project site and potentially flowing across and off the site after construction:

- A. A water quality pond will be constructed to filter the first  $\frac{1}{2}$  inch of stormwater runoff.
- B. The carwash will have a lateral connection to an existing wastewater collection line.

Mr. Greg Korman  
Page 3  
June 30, 1995

DOC# 469107

**III. Recharge Features:**

The following measures will be taken to prevent pollutants from entering recharge features while maintaining or enhancing the quantity of water entering the recharge features identified in the geologic assessment.

- A. Both features are located in grassy areas which will not be developed. Stormwaters from developed areas will be routed to the water quality basin.

APPROVAL

The plan for this project has been reviewed for compliance with 30 TAC §313.4 which sets forth pollution abatement criteria for any development on the recharge zone of the Edwards Aquifer. The proposed water pollution abatement plan is in general agreement with 30 TAC §313.4; therefore, approval of the plan is hereby granted subject to the specific conditions listed below.

Failure to comply with any of the following conditions, the deed recordation requirement, or any other specific conditions of approval is a violation of these rules. Pursuant to §26.136 of the Texas Water Code, any violations of the Edwards Aquifer Rules may result in administrative penalties of up to \$10,000 for each act of violation and for each day of violation.

SPECIAL CONDITIONS

1. The sedimentation/filtration basins are designed in accordance with the TNRCC Edwards Aquifer Guidance Manual and the City of Austin Environmental Criteria Manual. The basins will incorporate sedimentation and filtration. The filtration system will consist of appropriately sized sedimentation chambers and a filtration basin with a minimum of 18 inches of sand filter media, sized as shown on the design plans in the WPAP.
2. A formal maintenance plan and schedule for the sedimentation and filtration basin shall be submitted to the Region 13 Edwards Aquifer Coordinator for review and possible modification prior to completion of construction. The plan shall include a responsible party and the anticipated cleaning schedule. Upon approval by the Texas Natural Resource Conservation Commission the plan shall be implemented in accordance with the approved schedule.

Mr. Greg Korman  
Page 4  
June 30, 1995

STANDARD CONDITIONS OF APPROVAL

1. Please be reminded that 30 TAC §313.4(c) requires the owner/developer to: (1) record in the county deed records that this property is subject to the approved WPAP; and (2) submit to the Executive Director through the San Antonio Regional Office, within 30 days of receiving this written notice of approval of the water pollution abatement plan and prior to commencing construction, proof of application for recordation of notice in the county deed records. Enclosed is a suggested format you may use to deed record your approved WPAP.
2. Prior to commencing construction, the applicant/agent shall submit to the San Antonio Regional Office copies of any changes made to the plans and specifications for this project which have been required by the TNRCC review and/or all other permitting authorities.
3. Please note, following this approval of the regulated activities described in the referenced WPAP submittal, any amendment to these activities required by some other regulating authority or desired by the applicant will require the submittal of a WPAP application to amend this approval. And, as indicated in 30 TAC §313.4 and 30 TAC §313.27, an application to amend any approved regulated activity shall include payment of appropriate fees and all information necessary for its review and Executive Director approval.
4. Additionally, all contractors conducting regulated activities associated with this proposed regulated project shall be provided with copies of this approval letter and the entire contents of the submitted WPAP so as to convey to the contractors the specific conditions of this approval. During the course of these regulated activities, the contractors shall be required to keep on-site copies of the WPAP and this approval letter.
5. The temporary erosion and sedimentation (E&S) controls for the entire project shall be installed prior to beginning any other construction work on this project.
6. The appropriate E&S control(s) that shall be used during the construction of the project should be determined as follows:  
(1) Silt fences should be used when the drainage area is less than 2 acres and the slope is less than 10%. (2) Rock berms with filtration should be used when the drainage areas are greater than two acres or when the slopes are in excess of 10%. The bottom edge of the filter fabric must be buried a minimum of 6 inches below grade.

7. The TNRCC may monitor stormwater discharges from the site to evaluate the adequacy of the temporary erosion and sedimentation control measures. Additional protection may be necessary if excessive solids are being discharged from the site.
8. Also, 30 TAC §313.4(d)(2) requires that if any significant recharge features, such as solution openings or sinkholes, are discovered during construction, all regulated activities near the significant recharge feature must be suspended immediately and may not be resumed until the Executive Director has reviewed and approved the methods proposed to protect the aquifer from any potential adverse impacts. Upon discovery of the significant recharge features, the developer shall immediately notify the San Antonio Regional Office.
9. Upon completion of the project, the applicant shall reseed or sod all areas disturbed during construction.
10. If any abandoned wells exist on the site or are found during construction of the proposed development, they shall be plugged in accordance with the local underground water conservation district's plugging procedures, if applicable, or 30 TAC §287.50(a) of this title (relating to Standards for Plugging Wells that Penetrate Undesirable Water Zones), or an equivalent method, as approved by the Executive Director. Pursuant to 30 TAC §287.48(e), the person that plugs such a well shall, within 30 days after plugging is complete, submit a Water Well Completion and Plugging Report to the Executive Director, through the San Antonio Regional Office and to the Edwards Underground Water District.

Any drill holes resulting from core sampling on-site or down-gradient of the site shall be plugged with cement slurry, from the bottom of the hole to the top of the hole, so as to not allow water or contaminants to enter the subsurface environment.

11. No waste-disposal wells, new confined animal feeding operations, land disposal of Class I wastes, or use of sewage holding tanks as parts of organized collection systems shall be allowed on the recharge zone of this regulated development.
12. During the course of the construction related to the referenced regulated project, the owner/developer shall comply with all applicable provisions of 30 TAC §313.4. Construction which is initiated and abandoned, or not completed, shall be returned to a permanent condition such that groundwater in the Edwards Aquifer is protected from potential contamination.

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Additionally, the applicant, Midtex Oil, Inc, shall remain responsible for the provisions and special conditions of this approval until such responsibility is legally transferred to another person or entity, upon which that person or entity shall assume responsibility for all provisions and specific conditions of this approval.

13. Pursuant to 30 TAC §313.4(d)(1) and prior to commencing regulated activities, the applicant must provide the San Antonio Regional Office with the date on which the regulated activity will commence.
14. Please note that 30 TAC §313.4(g) states that this approval expires two years from this date unless, prior to the expiration date, construction has commenced on the regulated project.
15. Approval of the design of the sewage collection system for this proposed subdivision shall be obtained from the Texas Natural Resources Conservation Commission prior to the commencement of construction of any sewage collection system, the design of which shall be in accordance with 30 TAC §313.5 and 30 TAC §317.
16. The developer shall ensure that construction debris, such as but not limited to scrap wood, bricks, paint, adhesives, containers, paper, etc. is disposed of properly at an authorized landfill off of the Edwards Aquifer Recharge Zone.
17. If asphaltic materials such as "seal coat", emulsion or other asphaltic products used for paving, roofing, etc. wash off or leave the project site the developer shall notify the Texas Natural Resource Conservation Commission immediately and commence clean-up.
18. Each purchaser of a single-family residential lot shall be informed in writing that this subdivision is located on the Edwards Aquifer Recharge Zone.
19. Each purchaser of a single-family residential lot shall be informed in writing about best management practices of pesticide and fertilizer application. The applicant may use Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Underground Water District (210/222-2204), or equivalent information produced by recognized authorities such as the Soil Conservation Service, Texas Dept. of Agriculture, U.S. Dept. of Agriculture, etc. The applicant may develop their own educational information (with review by the TNRCC prior to use).

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20. It is recommended that signage be permanently posted and maintained in good condition at each external entrance to and exit from the subdivision which reminds home owners and visitors they are on the Recharge Zone of the Edwards Aquifer.

If you have any questions, please contact Julie Rogers at the San Antonio Regional Office, (210) 490-3096.

Sincerely,



J. Richard Garcia,  
Regional Manager, for

Dan Pearson,  
Executive Director

JRG/JPR

Enclosure

cc:

Mike Shands, Director of Planning, City of New Braunfels  
Carter Casteel, County Judge, Comal County  
Monica M. Wallace, Comal County Office of Environmental Health  
Danny Scheel, Comal County Commissioner  
Rick Illgner, Edwards Underground Water District  
TNRCC - San Antonio Regional Office - Program File  
TNRCC - Central Records (with attachment)

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WHOLESALE PETROLEUM PRODUCTS



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GREG KORMAN  
RETAIL DEVELOPMENT

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SA 606-6776

STATE OF TEXAS  
COUNTY OF COMAL

I hereby certify that this instrument was FILED  
IN File Number Sequence on the date and at the time  
stamped hereon by me and was duly RECORDED, in  
the Official Public Records of Real Property of Comal  
County, Texas on:



JUN 30 1995  
*Joy Streater*  
COUNTY CLERK  
COUNTY TEXAS