

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



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

January 22, 1998

Mr. Lonnie Curtis, Assistant Superintendent  
New Braunfels Independent School District  
599 Butcher Street  
New Braunfels, TX 78130

Re: EDWARDS AQUIFER, Comal County  
PROJECT: NBISD - High School Library, Project number 784, Located at 2551 Loop  
337 North, New Braunfels, Texas  
TYPE: Request for Approval of Water Pollution Abatement Plan (WPAP); 30 Texas  
Administrative Code (TAC) §213.5(b); Edwards Aquifer Protection Program

Dear Mr. Curtis:

The Texas Natural Resource Conservation Commission (TNRCC) has completed its review of the WPAP application for the referenced project that was submitted by Raba-Kistner Consultants, Inc. on behalf of New Braunfels Independent School District to the San Antonio Regional Office on December 11, 1997. Final review of the WPAP submittal was completed after additional material was received on January 15, 1998. The WPAP proposed in the application is in general compliance with 30 TAC § 213.5(b); therefore, approval of the plan is hereby granted subject to applicable state rules and the conditions in this approval letter. *This approval expires two (2) years from the date of this approval unless, prior to the expiration date, construction has commenced on the project or an extension of time has been requested.*

### PROJECT DESCRIPTION

The proposed project will have an area of 1.86 acres and will consist of the construction of a library building, weight building, West Field House, softball field fill area, and associated parking areas for the existing New Braunfels ISD High School. Project wastewater will be disposed of by conveyance to the existing Kuehler Street Sewage Treatment Plant owned by New Braunfels Utilities. The proposed impervious cover for the development is approximately 1.17 acres (62.9%). The site is located within the City of New Braunfels, and must conform with applicable codes and requirements of the City of New Braunfels.

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

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### GEOLOGY ON SITE

According to the geologic assessment included with the submittal, there are no sensitive features located on the project site. The San Antonio Regional Office site inspection of December 18, 1997, revealed no features other than those reported in the geologic assessment.

### GEOLOGY DOWNGRADIENT OF SITE

According to the geologic assessment included with the submittal, there is no 100-year floodplain downgradient of the site and therefore a report of the downgradient is not required by 30 TAC 213.

### PERMANENT POLLUTION ABATEMENT MEASURES

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:

The full sedimentation/filtration basin is designed in accordance with the City of Austin Environmental Design Criteria Manual and is sized to capture the first ½ inch of stormwater run-off from 0.649 acres, providing a total capture volume of 1,189 cubic feet. The filtration system will consist of:

1. 90 square feet of sand, which is 18 inches thick,
2. an underdrain piping wrapped with geotextile membrane, and
3. an impervious liner.

Stormwater runoff from the library parking lot will be treated. It will be directed to a concrete lined sump which will overflow onto an existing vegetated area. The sump will also be equipped with a sump pump. An equivalent area of paved parking (southwest corner of existing student parking lot) will receive treatment from the filtration basin described above.

### SPECIAL CONDITIONS

1. If any potential sensitive features are encountered during construction, a geologist shall evaluate the significance of the features. The evaluation shall include representative photographs and a description of the feature forwarded to the San Antonio office. Construction in the vicinity of the features may only continue with written approval from the TNRCC.

2. Placement of hydrocarbon or hazardous substance storage facilities regulated pursuant to 213.5(d) and 213.5(e), requires submittal of all appropriate applications with appropriate fees and must receive prior approval from the TNRCC.
3. The sedimentation/filtration basins are designed in accordance with the City of Austin Environmental Design Criteria. The basins will incorporate sedimentation and filtration as described above.
4. All permanent pollution abatement measures shall be operational prior to completion of construction.
5. The TNRCC may monitor stormwater discharges from the site to evaluate the adequacy of permanent erosion and sedimentation (E&S) control measures. Additional controls may be necessary if excessive solids are being discharged from the site.
6. Discharge of treated stormwater from all pollution abatement features must conform with applicable codes and requirements of the City of New Braunfels.

#### STANDARD CONDITIONS

1. 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, upon which that person or entity shall assume responsibility for all provisions and conditions of this approval.
2. Any modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a WPAP to amend this approval, including the payment of appropriate fees and all information necessary for its review and approval.
3. Prior to commencing any regulated activity, the applicant or his agent must notify the San Antonio Regional Office in writing of the date on which the regulated activity will begin.
4. The applicant or his agent shall record this WPAP approval in the county deed records within 30 days of receiving this notice of approval. Proof of deed recordation shall be submitted to the San Antonio Regional Office prior to commencing construction. A suggested format that you may use to deed record the approved WPAP is enclosed.

5. All contractors conducting regulated activities at the project location shall be provided a copy of this notice of approval. At least one complete copy of the approved WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.
6. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved WPAP, must be installed prior to construction and maintained during construction. Temporary E&S controls may be removed when vegetation is established and the construction area is stabilized. If a water quality pond is proposed, it shall be used as a sedimentation basin during construction. The TNRCC may monitor stormwater discharges from the site to evaluate the adequacy of temporary E&S control measures. Additional controls may be necessary if excessive solids are being discharged from the site.
7. If any significant recharge feature [sensitive feature] is discovered during construction, all regulated activities near the feature must be suspended immediately. The applicant or his agent must immediately notify the San Antonio Regional Office of the discovery of the feature. Regulated activities near the feature may not proceed until the executive director has reviewed and approved the methods proposed to protect the feature and the aquifer from potential adverse impacts to water quality.
8. 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.
9. Approval of the design of the sewage collection system for this proposed project shall be obtained from the TNRCC prior to commencement of construction of any sewage collection system.
10. No wells exist on the site. Any abandoned wells shall be plugged in accordance with 30 TAC § 338 or an equivalent method, as approved by the Executive Director.

Any drill holes resulting from core sampling on-site or down-gradient of the site shall be plugged with native soil, 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. Pursuant to §26.136 of the Texas Water Code, any violations of the requirements in 30 TAC §213 may result in administrative penalties.

Mr. Lonnie Curtis  
January 22, 1998  
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12. A formal maintenance plan and schedule for all permanent abatement measures shall be signed by the responsible party and submitted to the San Antonio Regional Office for review and possible modification prior to completion of construction.

If you have any questions or require additional information, please contact John Mauser of the Edwards Aquifer Protection Program at 210/490-3096. Please reference project number 784.

Sincerely,

  
Dan Pearson  
Executive Director

DP/JKM/eg

Enclosure: Deed Recordation Affidavit

cc: Steve Funderburg, Raba-Kistner Consultants, Inc.  
Harry Bennett, City of New Braunfels  
Tom Hornseth, Comal County  
Greg Ellis, Edwards Aquifer Authority  
TNRCC Field Operations, Austin

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



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OCT 16 1997

COUNTY ROAD DEPT.

## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

October 15, 1997

CERTIFIED MAIL Nº Z 375 234 047  
RETURN RECEIPT REQUESTED

Mr. Ron Reaves, Superintendent  
New Braunfels Independent School District  
430 W. Mill  
New Braunfels, TX 78130

Re: EDWARDS AQUIFER, Comal County  
PROJECT: High School Library Addition, Project #703, Located @ 2551 Loop 337,  
New Braunfels, Texas  
TYPE: Notice of Enforcement; 30 Texas Administrative Code (TAC) §213.10;  
Edwards Aquifer Protection Program

Dear Mr. Reaves:

On September 10, 1997, a representative of our office conducted an inspection of the above-referenced site to evaluate compliance with applicable Edwards Aquifer Protection Program requirements. Enclosed is a summary of alleged violations.

In the listing of alleged violations, we have cited applicable requirements, including any Texas Natural Resource Conservation Commission (TNRCC) rules. If you would like to obtain a copy of the applicable TNRCC rules, you may contact the TNRCC Environmental Information Center at 512/239-0028 for a free copy of the publication TNRCC Rules (GI-32), which lists sources of rules. Plus, TNRCC rules and other information can be accessed via the TNRCC online Bulletin Board at 512/239-0700 or the TNRCC's Internet address (<http://www.tnrcc.state.tx.us>)

Please be advised that the Legislature has granted enforcement powers to the Texas Natural Resource Conservation Commission (TNRCC) to carry out its mission to protect human health and the environment. Because of the serious nature of the alleged violations noted during this inspection, the Regional Office is referring this case to our agency's screening committee for consideration of appropriate enforcement action. Additional alleged violations may be cited upon further review. We would encourage you to immediately begin taking actions to address the outstanding alleged violations.

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Mr. Ron Reaves  
October 15, 1997  
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If you or members of your staff have any questions, please contact John Mauser in our San Antonio Regional Office at (210) 490-3096.

Sincerely,



Bobby D. Caldwell  
Water Program Manager  
San Antonio Regional Office

BDC/JKM/eg

Enclosure: SUMMARY OF OUTSTANDING ALLEGED VIOLATIONS

cc: Jeanne Kuhn, Jessen Architects, Inc.  
Harry Bennett, City of New Braunfels  
Tom Hornseth, Comal County  
Greg Ellis, Edwards Aquifer Authority  
TNRCC Field Operations Division - Austin



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*

November 14, 1997

Mr. Ron Reaves, Superintendent  
New Braunfels Independent School District  
430 W. Mill  
New Braunfels, TX 78130

Re: EDWARDS AQUIFER, Comal County  
PROJECT: Library Addition, Project #760, Located @ 2551 Loop 337, New Braunfels, Texas  
TYPE: Request to Complete Concrete Slab; 30 Texas Administrative Code (TAC) §213.5(b); Edwards Aquifer Protection Program

Dear Mr. Reaves:

On November 7, 1997, the Texas Natural Resource Conservation Commission (TNRCC) received your request to complete construction on the concrete slab for the above referenced project which commenced without approval required under 30 TAC 213.5 for protection of the Edwards Aquifer Recharge Zone.

For health and safety reasons outlined in your letter, your request to complete the slab is hereby granted. No other construction or regulated activity is approved at this time or until the water pollution abatement plan is submitted for review and approval consideration.

If you or members of your staff have any questions, please contact John Mauser in our San Antonio Regional Office at (210) 490-3096.

Sincerely,

A handwritten signature in cursive script that reads "Bobby D. Caldwell".

Bobby D. Caldwell  
Water Section Manager  
San Antonio Regional Office

BDC/JKM/eg

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



Robert J. Huston, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Kathleen Hartnett White, *Commissioner*  
Jeffrey A. Saitas, *Executive Director*

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JAN 25 2002  
COUNTY ENGINEER

## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

January 23, 2002

Mr. Lonnie Curtis, Assistant Superintendent  
New Braunfels Independent School District  
599 Butcher Street  
New Braunfels, TX 78130

Re: EDWARDS AQUIFER, Comal County  
PROJECT: NBISD - High School Library, Located at 2551 Loop 337 North, New Braunfels, Texas  
TYPE: Request for Information; 30 Texas Administrative Code (TAC) §213.5(b); Edwards Aquifer Protection Program Project #784.01

Dear Mr. Curtis:

The Texas Natural Resource Conservation Commission (TNRCC) has completed its review of the request for information for the referenced project that was submitted by Richard N. Berry, P.E., Inc. on behalf of New Braunfels Independent School District to the San Antonio Regional Office on January 7, 2002. The request (enclosed) was for confirmation that material containing asphalt within native soils and rock could be used as fill material at the subject site, even though they contained barium and chromium above their practical quantification limits.

A comparison of the test results provided by your consultant was made with the criteria set forth in the TNRCC's Interoffice Memorandum dated May 3, 2001 (enclosed) for use of asphalt as fill material on the Edwards Aquifer Recharge Zone. The concentration of barium and chromium provided in the test results are within the acceptable limits specified in the TNRCC's May 3, 2001 memorandum. Therefore, the subject material may be left in place.

If you have any questions or require additional information, please contact John Mauser of the Edwards Aquifer Protection Program at 210/490-3096. Please reference project number-784.01.

Sincerely,

  
Jeffrey A. Saitas  
Executive Director  
Texas Natural Resource Conservation Commission

JAS/JKM/eg

Enclosure: Letter from Richard N. Berry, Inc. to TNRCC dated January 4, 2002  
TNRCC Interoffice Memorandum dated May 3, 2001

cc with enclosures: Richard Berry, Richard N. Berry, Inc.  
Michael Short, P.E., City of New Braunfels  
Tom Hornseth, Comal County  
Greg Ellis, Edwards Aquifer Authority  
TNRCC Field Operations, Austin