

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



TNRCC Corres.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

February 2, 2001

RECEIVED

FEB 05 2001

COUNTY ENGINEER

Mr. Robert L. Worth, Jr.
R. L. Worth & Associates
4040 Broadway, Suite 552
San Antonio, TX 78209

Re: Edwards Aquifer, Comal County

NAME OF PROJECT: Oak Run Commercial Unit 9; Located on Loop 337 approximately 700 feet north of State Hwy 46; New Braunfels, Texas

TYPE OF PLAN: Request for Approval of a Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer
Edwards Aquifer Protection Program File No. 1605.00

Dear Mr. Worth:

The Texas Natural Resource Conservation Commission (TNRCC) has completed its review of the WPAP application for the referenced project submitted to the San Antonio Regional Office by Cara C. Tackett of Pape-Dawson Engineers on behalf of R. L. Worth & Associates on November 17, 2000. As presented to the TNRCC, the Temporary and Permanent Best Management Practices (BMPs) and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed, and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer's concurrence of compliance, the planning materials for construction of the proposed project and pollution abatement measures are **hereby approved** subject to applicable state rules and the conditions in this letter. The applicant or a person affected may file with the chief clerk a motion for reconsideration of the executive director's final action on this Edwards Aquifer protection plan. A motion for reconsideration must be filed no later than 20 days after the date of this approval letter. *This approval expires two (2) years from the date of this letter unless, prior to the expiration date, more than 10 percent of the construction has commenced on the project or an extension of time has been requested.*

PROJECT DESCRIPTION

The proposed commercial project will have an area of approximately 18.06 acres. It will include the construction of a three-story office building, associated parking, the extension of Oak Spur Drive, a storm water detention basin, and two sedimentation/filtration basins. The impervious cover will be 10.60 acres (58.38 percent). Project wastewater will be disposed of by conveyance to the existing New Braunfels Utilities Water Recycling Center owned by the New Braunfels Utilities.

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PERMANENT POLLUTION ABATEMENT MEASURES

Two sedimentation filtration basins designed using the TNRCC technical guidance document, *Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices* (June 1999) will be constructed to treat storm water runoff. Basin A is designed to provide treatment for 9.40 acres of the site with a capture volume of 37,695 cubic feet and a sand filter area of 7,264 square feet. Basin B is designed to provide treatment for 3.95 acres of the site with a capture volume of 16,134 cubic feet and a sand filter area of 2,925 square feet. The approved measures have been presented to meet the required 80 percent removal of the increased load in total suspended solids caused by the project.

GEOLOGY

According to the geologic assessment included with the application, six geologic features and one man-made feature were identified on the site. Two of the features were described as "sensitive", three were assessed as "possibly sensitive", and two were identified as "not sensitive". The San Antonio Regional Office site inspection of January 22, 2001, revealed that the site is generally as described by the geologic assessment.

SPECIAL CONDITIONS

- I. All permanent pollution abatement measures shall be operational prior to use of any of the facilities.
- II. All sediment and or media removed from the sedimentation/filtration basins during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335 as applicable.
- III. A sediment depth marker, as described in *Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices* (June 1999), must be installed in each sedimentation/filtration basin.

STANDARD CONDITIONS

1. Pursuant to §26.136 of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.

Prior to Commencement of Construction:

2. Within 60 days of receiving written approval of an Edwards Aquifer protection plan, the applicant must submit to the San Antonio Regional Office, proof of recordation of notice in the county deed records, with the volume and page number(s) of the county deed records of the county in which the property is located. A description of the property boundaries shall be included in the deed recordation in the county deed records. A suggested form (Deed Recordation Affidavit, TNRCC-0625) that you may use to deed record the approved WPAP is enclosed.

3. All contractors conducting regulated activities at the referenced project location shall be provided a copy of this notice of approval. At least one complete copy of the approved WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.
4. Modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
5. The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation of the referenced project. Notification must be submitted to the San Antonio Regional Office no later than 48 hours prior to commencement of the regulated activity. Written notification must include the date on which the regulated activity will commence, the name of the approved plan and file number for the regulated activity, and the name of the prime contractor with the name and telephone number of the contact person. The executive director will use the notification to determine if the approved plan is eligible for an extension.
6. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved WPAP, must be installed prior to construction and maintained during construction. Temporary E&S controls may be removed when vegetation is established and the construction area is stabilized. 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. All borings with depths greater than or equal to 20 feet must be plugged with non-shrink grout from the bottom of the hole to within three (3) feet of the surface. The remainder of the hole must be backfilled with cuttings from the boring. All borings less than 20 feet must be backfilled with cuttings from the boring. All borings must be backfilled or plugged within four (4) days of completion of the drilling operation. Voids may be filled with gravel.

During Construction:

8. During the course of regulated activities related to this project, the applicant or agent shall comply with all applicable provisions of 30 TAC Chapter 213, Edwards Aquifer. The applicant shall remain responsible for the provisions and conditions of this approval until such responsibility is legally transferred to another person or entity.
9. If any sensitive feature (caves, solution cavities, sink holes, etc.) is discovered during construction, all regulated activities near the feature must be suspended immediately. The applicant or his agent must immediately notify 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 potentially adverse impacts to water quality. The plan must be sealed, signed, and dated by a Texas Licensed Professional Engineer.

10. No wells exist on the site. All water wells, including injection, dewatering, and monitoring wells must be in compliance with the requirements of the Texas Department of Licensing and Regulation under Title 16 TAC Chapter 76 (relating to Water Well Drillers and Pump Installers) and all other locally applicable rules, as appropriate.
11. If sediment escapes the construction site, the sediment must be removed at a frequency sufficient to minimize offsite impacts to water quality (e.g., fugitive sediment in street being washed into surface streams or sensitive features by the next rain). Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been reduced by 50 percent. Litter, construction debris, and construction chemicals shall be prevented from becoming stormwater discharge pollutants.
12. The following records shall be maintained and made available to the executive director upon request: the dates when major grading activities occur, the dates when construction activities temporarily or permanently cease on a portion of the site, and the dates when stabilization measures are initiated.
13. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and construction activities will not resume within 21 days. When the initiation of stabilization measures by the 14th day is precluded by weather conditions, stabilization measures shall be initiated as soon as practicable.

After Completion of Construction:

14. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
15. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. The regulated entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through the San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TNRCC-10263) is enclosed.
16. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, a new Edwards Aquifer protection plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.

Mr. Robert L. Worth, Jr.

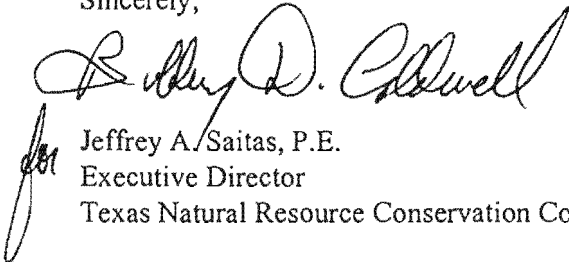
Page 5

February 2, 2001

17. An Edwards Aquifer protection plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Edwards Aquifer protection plan must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.
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 Lynn M. Bumguardner of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4023.

Sincerely,



Jeffrey A. Saitas, P.E.
Executive Director
Texas Natural Resource Conservation Commission

JAS/LMB/eg

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

cc: Ms. Cara Tackett, Pape-Dawson Engineers, Inc.
Mr. Harry Bennett, City of New Braunfels
Mr. John Bohuslav, TXDOT San Antonio District
Mr. Tom Hornseth, Comal County
Mr. Greg Ellis, Edwards Aquifer Authority
TNRCC Field Operations, Austin

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



RECEIVED
JUL 05 2001
COUNTY ENGINEER

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

July 2, 2001

Mr. Robert L. Worth, Jr.
R. L. Worth and Associates
4040 Broadway, Suite 552
San Antonio, TX 78209

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: Oak Run Commercial Unit 9; Located on Loop 337 approximately 700 feet north of State Hwy 46; New Braunfels, Texas
TYPE: Technical Assistance Regarding a Modification of Water Pollution Abatement Plan (WPAP), 30 Texas Administrative Code (TAC) §213.5(b)
Edwards Aquifer Protection Program File No. 1605.02

Dear Mr. Worth:

The Texas Natural Resource Conservation Commission (TNRCC) received a request for technical assistance regarding changes for the referenced project that was submitted on behalf of R. L. Worth and Associates by Dennis R. Rion, P.E. of Pape-Dawson Engineers, Inc. and received by the San Antonio office on May 16, 2001.

After further review and consideration of the facts submitted in the initial technical letter we have concluded that the proposed changes to this basin can be considered to be a minor change to the plan approved on February 2, 2001, and therefore will not require a modification plan and approval.

Should clarification of this letter be desired or if we may be of any other assistance, please contact Lynn M. Bumgardner of our San Antonio office at 210/403-4023. Please reference project numbers 1605.02.

Sincerely,

A handwritten signature in black ink, appearing to read "Bobby D. Caldwell".

Bobby D. Caldwell,
Water Section Manager
San Antonio Region Office

BDC/LMB/eg

cc: Cara C. Tackett, Pape-Dawson Engineers, Inc.
Harry Bennett, City of New Braunfels
Tom Hornseth, Comal County
Greg Ellis, Edwards Aquifer Authority
TNRCC Field Operations, Austin

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RECEIVED
JUN 19 2001
COUNTY ENGINEER

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

June 14, 2001

TRCC Corres.

Mr. Robert L. Worth, Jr.
R. L. Worth and Associates
4040 Broadway, Suite 552
San Antonio, TX 78209

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: Oak Run Commercial Unit 9; Located on Loop 337 approximately 700 feet north of State Hwy 46; New Braunfels, Texas
TYPE: Technical Assistance Regarding a Modification of Water Pollution Abatement Plan (WPAP), 30 Texas Administrative Code (TAC) §213.5(b)
Edwards Aquifer Protection Program File No. 1605.02

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The Texas Natural Resource Conservation Commission (TNRCC) received a request for technical assistance regarding changes for the referenced project that was submitted on behalf of R. L. Worth and Associates by Dennis R. Rion, P.E. of Pape-Dawson Engineers, Inc. and received by the San Antonio office on May 16, 2001.

The proposed changes to the approved plan include moving Basin A approximately 67 feet to the southwest. We believe that this change would be considered a physical modification of a water pollution abatement structure that would require written notification and approval by the executive director under 30 TAC 213.4(j)(1). Therefore, based on the information provided, approval of a modification for the existing WPAP is required.

Should clarification of this letter be desired or if we may be of any other assistance, please contact Lynn M. Bumgardner of our San Antonio office at 210/403-4023. Please reference project numbers 1605.02.

Sincerely,

A handwritten signature in black ink, appearing to read "Bobby D. Caldwell".

Bobby D. Caldwell,
Water Section Manager
San Antonio Region Office

BDC/LMB/eg

Enclosure: May 16, 2001, Technical Letter - Relocation of Basin A

cc with enclosure: Cara C. Tackett, Pape-Dawson Engineers, Inc.
Harry Bennett, City of New Braunfels
Tom Hornseth, Comal County
Greg Ellis, Edwards Aquifer Authority
TNRCC Field Operations

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May 14, 2001

Mr. Richard Garcia
TNRCC Region 13
14250 Judson Road
San Antonio, Texas 78233-4480

Re: Oak Run Commercial Unit-9 Water Pollution Abatement Plan
TNRCC Project No. 1605.00
Technical Letter – Relocation of Basin A

Dear Mr. Garcia:

The Oak Run Commercial Unit-9 Water Pollution Abatement Plan (WPAP) was approved by the Texas Natural Resource Conservation Commission (TNRCC) on February 2, 2001. A copy of the approval letter for this project is attached. Construction has commenced and a notice of start of construction was submitted to TNRCC on February 16, 2001. This submittal serves to provide an updated plan for the relocation of Basin A.

The original site plan included a lengthy retaining wall along the north property line which was necessary for the grading of the site to work. After careful consideration, it was determined that the retaining wall could be eliminated if the proposed parking were to be located further away from the property line. The grade difference between the two adjoining properties can be made up by sloping down from the revised north parking line to the property line at standard 3:1 slopes.

In order to accommodate the grading revision, it is also necessary to adjust Basin A. Basin A is proposed to be moved 67' to the southwest. No changes in elevation are proposed for the basin inlet, water surface elevation, overflow weir elevation or invert of the basin. No revisions to the capacity of the basin are proposed and the basin watershed will remain unchanged.

We are submitting the proposed revisions as a field change to the approved WPAP. The Permanent Pollution Abatement Plans included with this letter show the following changes:

- Revisions to the parking area on the north and west areas of the site due to the elimination of the retaining wall
- Revisions to the grading and sidewalks around office building
- Basin A was relocated approximately 67 feet to the southwest to accommodate the grading revisions and retaining wall removal.
- The basin release pipe will tie into an underground storm drain system leading to the proposed detention basin instead of the open channel previously shown. (This revision does not impact the design of the sedimentation/filtration basin.)
- The basin overflow will be directed to an underground storm drain system leading to the proposed detention basin. The decision to switch from an open earthen channel

PAPE-DAWSON ENGINEERS, INC.

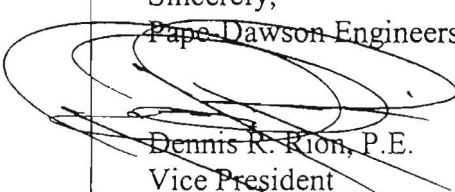
(previously shown) to a pipe system was made due to design constraints of the detention basin. (This revision does not impact the design of the sedimentation/filtration basin.)

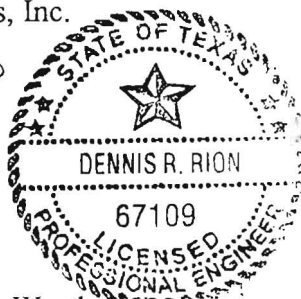
Included for review, please find the updated Temporary and Permanent Pollution Abatement sheets as well as the revised detail sheets for Basin A. This information is being provided so that TNRCC has the most current information regarding the basin relocation. The impervious cover for this development will be slightly lower than the previously approved amount (80.38%) for the Basin A watershed, due to the reduction in paved area. The relocation of Basin A will not change the impact to any geologic features.

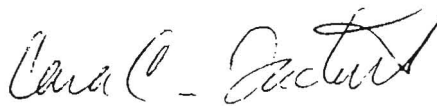
After reviewing the six (6) criteria under which a modification is required, we believe this updated Permanent Pollution Abatement Plan does not constitute a modification. The plan being submitted does not require the modification of permanent water pollution abatement measures as: it remains a commercial development as previously approved; it does not increase the project area to include areas previously identified as undeveloped; it does not require the physical modification of an SCS, UST, or AST; and it does not increase the impervious cover of the overall development. The revision to the basin does not change the intent or design of the BMP. The basin will function as originally designed to provide treatment as outlined in the TNRCC's Technical Guidance Manual.

It is our opinion that the submittal of this letter should be adequate for the continuation of construction and development for Oak Run Commercial Unit-9 as outlined in the original WPAP approved on February 2, 2001. Please update your files with this submittal and provide your written concurrence of this letter and updated site plan. Because the site is currently under construction, we request a response be provided within two weeks. If you have any questions or require additional information, please do not hesitate to call. Thank you for your consideration.

Sincerely,
Pape Dawson Engineers, Inc.


Dennis R. Rion, P.E.
Vice President



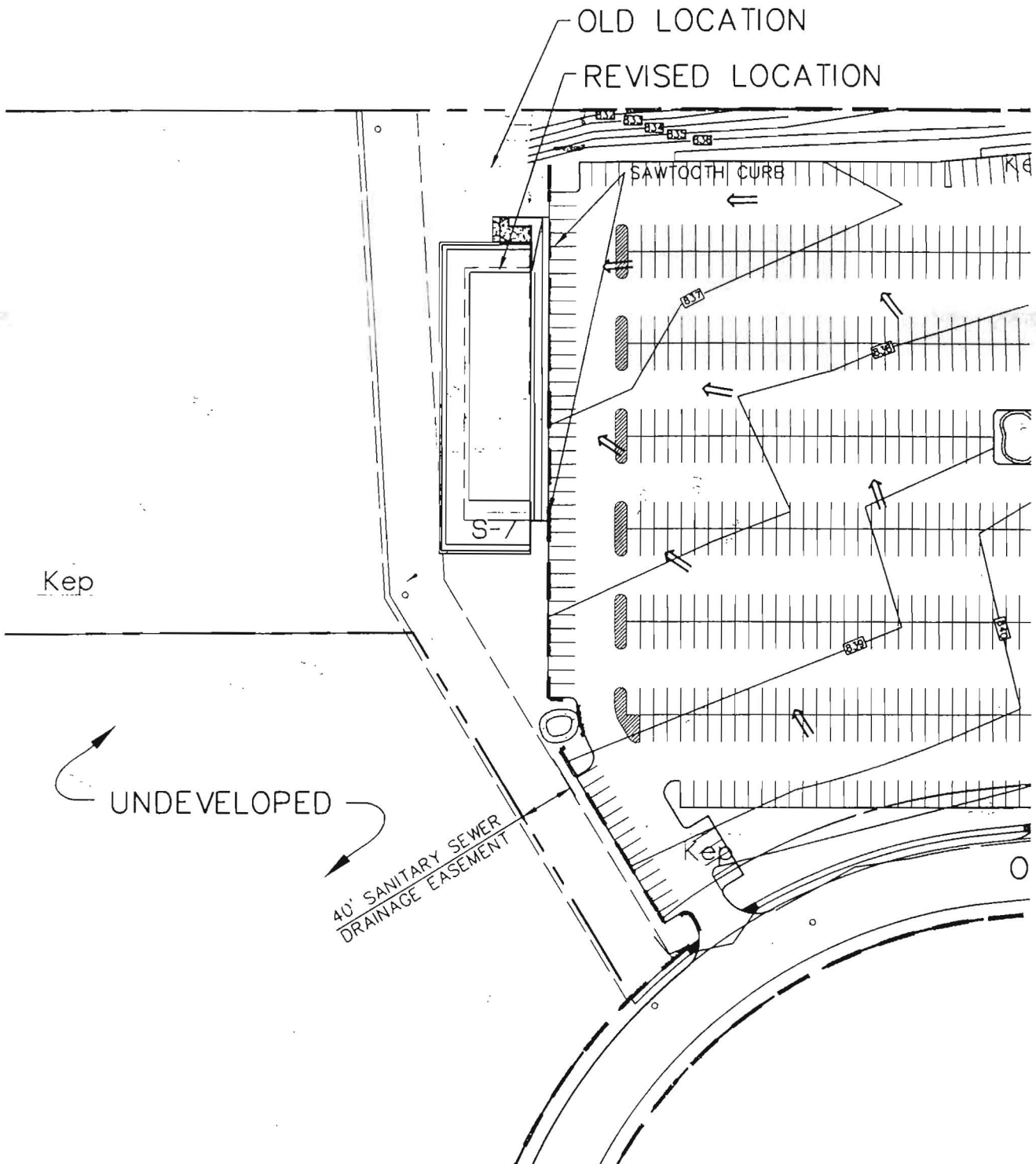

Cara C. Tackett
Project Manager

Attachment

cc: Bob Worth, R.L. Worth & Associates
Ed Kopplow, Kopplow Construction

Acknowledged & Accepted by:

Date: _____



PAPE-DAWSON **PE** ENGINEERS
CIVIL & ENVIRONMENTAL

555 EAST RAMSEY | SAN ANTONIO TEXAS 78216 | PH: (210) 375-9000
FX: (210) 375-9010

SUBJECT: RELOCATION OF BASIN "A"
PROJECT: OAK RUN COMMERCIAL UNIT-9
DRAWN BY: DJM JOB NO. 5123.04
CHECKED BY: _____ DATE: 5/14/01

"RECEIVED TNRCC"
SAN ANTONIO
REGION

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May 14, 2001

2001 MAY 16 PM 3:11

MAY 23 2001

COUNTY ENGINEER

Mr. Richard Garcia
TNRCC Region 13
14250 Judson Road
San Antonio, Texas 78233-4480

*Wall
Corner*

Re: Oak Run Commercial Unit-9 Water Pollution Abatement Plan
TNRCC Project No. 1605.00
Technical Letter – Relocation of Basin A

Dear Mr. Garcia:

The Oak Run Commercial Unit-9 Water Pollution Abatement Plan (WPAP) was approved by the Texas Natural Resource Conservation Commission (TNRCC) on February 2, 2001. A copy of the approval letter for this project is attached. Construction has commenced and a notice of start of construction was submitted to TNRCC on February 16, 2001. This submittal serves to provide an updated plan for the relocation of Basin A.

The original site plan included a lengthy retaining wall along the north property line which was necessary for the grading of the site to work. After careful consideration, it was determined that the retaining wall could be eliminated if the proposed parking were to be located further away from the property line. The grade difference between the two adjoining properties can be made up by sloping down from the revised north parking line to the property line at standard 3:1 slopes.

In order to accommodate the grading revision, it is also necessary to adjust Basin A. Basin A is proposed to be moved 67' to the southwest. No changes in elevation are proposed for the basin inlet, water surface elevation, overflow weir elevation or invert of the basin. No revisions to the capacity of the basin are proposed and the basin watershed will remain unchanged.

We are submitting the proposed revisions as a field change to the approved WPAP. The Permanent Pollution Abatement Plans included with this letter show the following changes:

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PAPE-DAWSON ENGINEERS, INC.

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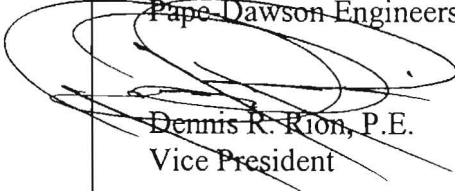
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After reviewing the six (6) criteria under which a modification is required, we believe this updated Permanent Pollution Abatement Plan does not constitute a modification. The plan being submitted does not require the modification of permanent water pollution abatement measures as: it remains a commercial development as previously approved; it does not increase the project area to include areas previously identified as undeveloped; it does not require the physical modification of an SCS, UST, or AST; and it does not increase the impervious cover of the overall development. The revision to the basin does not change the intent or design of the BMP. The basin will function as originally designed to provide treatment as outlined in the TNRCC's Technical Guidance Manual.

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Pape Dawson Engineers, Inc.

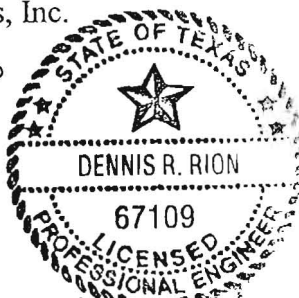

Dennis R. Rion, P.E.
Vice President


Attachment

cc: Bob Worth, R.L. Worth & Associates
Ed Kopplow, Kopplow Construction

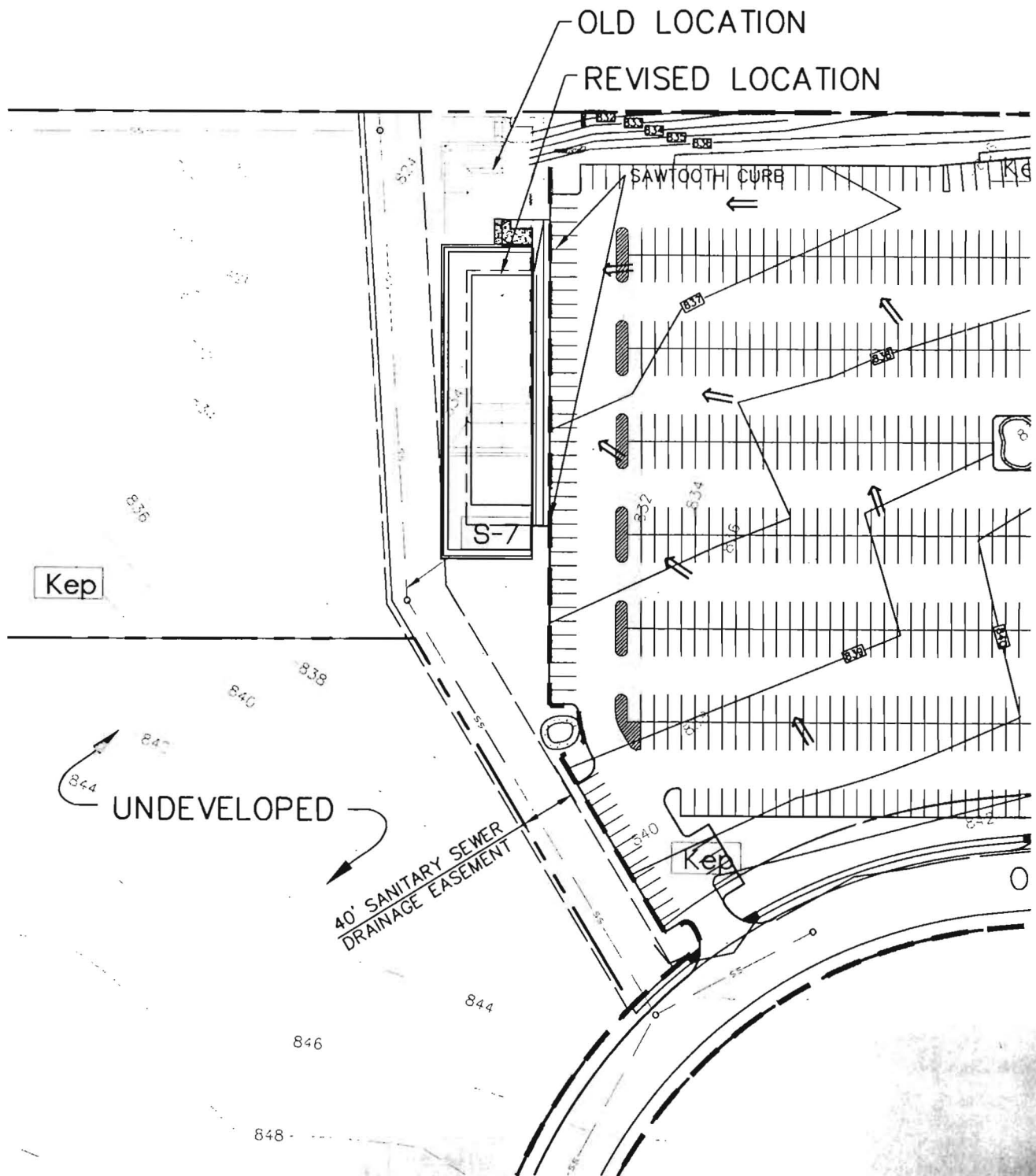
Acknowledged & Accepted by:

5123\04\Word\Letter\010507A1




Cara C. Tackett
Project Manager

Date: _____



PAPE-DAWSON
CIVIL & ENVIRONMENTAL **PE** ENGINEERS

355 EAST RAMSEY | SAN ANTONIO TEXAS 78216 | PH: (210) 375-9000
FX: (210) 375-9010

SUBJECT: RELOCATION OF BASIN "A"
PROJECT: OAK RUN COMMERCIAL UNIT-9
DRAWN BY: DJM JOB NO. 5123.04
CHECKED BY: _____ DATE: 5/14/01

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
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file
5123-04

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

February 2, 2001

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R. L. Worth & Associates
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SPECIAL CONDITIONS

- I. All permanent pollution abatement measures shall be operational prior to use of any of the facilities.
- II. All sediment and or media removed from the sedimentation/filtration basins during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335 as applicable.
- III. A sediment depth marker, as described in *Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices* (June 1999), must be installed in each sedimentation/filtration basin.

STANDARD CONDITIONS

1. Pursuant to §26.136 of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.

Prior to Commencement of Construction:

2. Within 60 days of receiving written approval of an Edwards Aquifer protection plan, the applicant must submit to the San Antonio Regional Office, proof of recordation of notice in the county deed records, with the volume and page number(s) of the county deed records of the county in which the property is located. A description of the property boundaries shall be included in the deed recordation in the county deed records. A suggested form (Deed Recordation Affidavit, TNRCC-0625) that you may use to deed record the approved WPAP is enclosed.

Mr. Robert L. Worth, Jr.

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3. All contractors conducting regulated activities at the referenced project location shall be provided a copy of this notice of approval. At least one complete copy of the approved WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.
4. Modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
5. The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation of the referenced project. Notification must be submitted to the San Antonio Regional Office no later than 48 hours prior to commencement of the regulated activity. Written notification must include the date on which the regulated activity will commence, the name of the approved plan and file number for the regulated activity, and the name of the prime contractor with the name and telephone number of the contact person. The executive director will use the notification to determine if the approved plan is eligible for an extension.
6. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved WPAP, must be installed prior to construction and maintained during construction. Temporary E&S controls may be removed when vegetation is established and the construction area is stabilized. 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. All borings with depths greater than or equal to 20 feet must be plugged with non-shrink grout from the bottom of the hole to within three (3) feet of the surface. The remainder of the hole must be backfilled with cuttings from the boring. All borings less than 20 feet must be backfilled with cuttings from the boring. All borings must be backfilled or plugged within four (4) days of completion of the drilling operation. Voids may be filled with gravel.

During Construction:

8. During the course of regulated activities related to this project, the applicant or agent shall comply with all applicable provisions of 30 TAC Chapter 213, Edwards Aquifer. The applicant shall remain responsible for the provisions and conditions of this approval until such responsibility is legally transferred to another person or entity.
9. If any sensitive feature (caves, solution cavities, sink holes, etc.) is discovered during construction, all regulated activities near the feature must be suspended immediately. The applicant or his agent must immediately notify 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 potentially adverse impacts to water quality. The plan must be sealed, signed, and dated by a Texas Licensed Professional Engineer.

10. No wells exist on the site. All water wells, including injection, dewatering, and monitoring wells must be in compliance with the requirements of the Texas Department of Licensing and Regulation under Title 16 TAC Chapter 76 (relating to Water Well Drillers and Pump Installers) and all other locally applicable rules, as appropriate.
11. If sediment escapes the construction site, the sediment must be removed at a frequency sufficient to minimize offsite impacts to water quality (e.g., fugitive sediment in street being washed into surface streams or sensitive features by the next rain). Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been reduced by 50 percent. Litter, construction debris, and construction chemicals shall be prevented from becoming stormwater discharge pollutants.
12. The following records shall be maintained and made available to the executive director upon request: the dates when major grading activities occur, the dates when construction activities temporarily or permanently cease on a portion of the site, and the dates when stabilization measures are initiated.
13. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and construction activities will not resume within 21 days. When the initiation of stabilization measures by the 14th day is precluded by weather conditions, stabilization measures shall be initiated as soon as practicable.

After Completion of Construction:

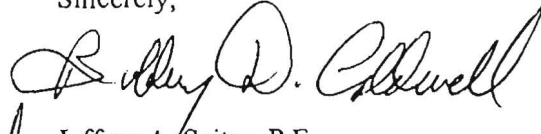
14. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
15. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. The regulated entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through the San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TNRCC-10263) is enclosed.
16. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, a new Edwards Aquifer protection plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.

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17. An Edwards Aquifer protection plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Edwards Aquifer protection plan must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.
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 Lynn M. Bumgardner of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4023.

Sincerely,

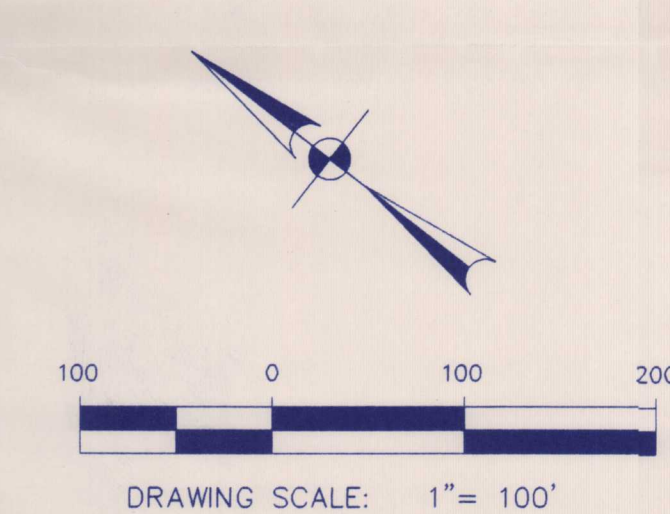
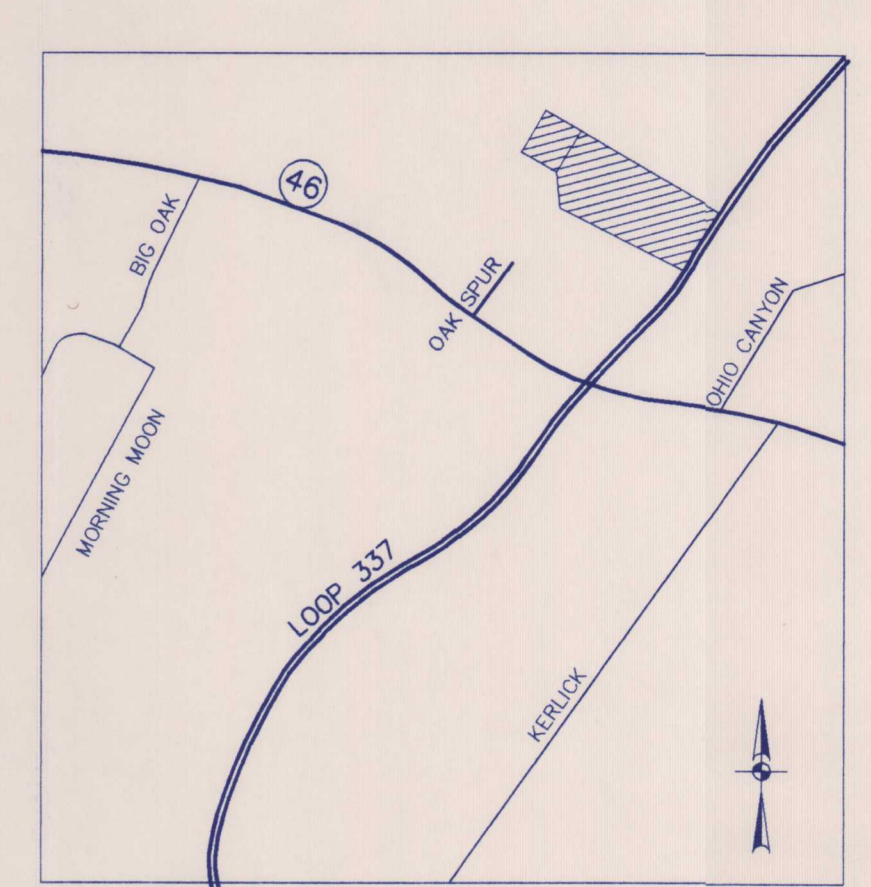
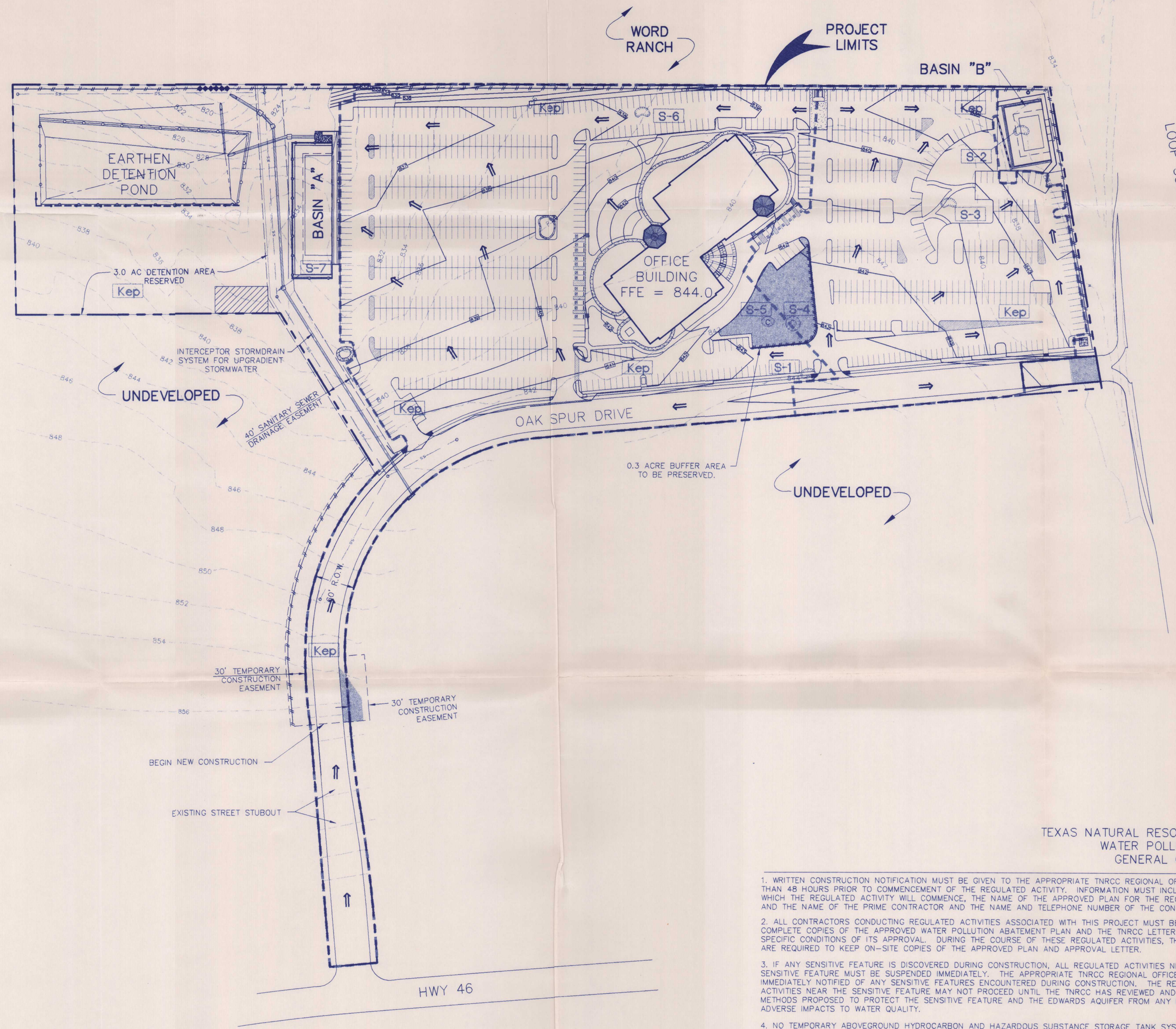


for Jeffrey A. Saitas, P.E.
Executive Director
Texas Natural Resource Conservation Commission

JAS/LMB/eg

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

cc: Ms. Cara Tackett, Pape-Dawson Engineers, Inc.
Mr. Harry Bennett, City of New Braunfels
Mr. John Bohuslav, TXDOT San Antonio District
Mr. Tom Hornseth, Comal County
Mr. Greg Ellis, Edwards Aquifer Authority
TNRCC Field Operations, Austin



LEGEND	
	PERSON FORMATION
	POTENTIAL RECHARGE FEATURE (ON-SITE)
	CLOSED DEPRESSION
	SINKHOLE
	CAVE
	STABILIZED CONSTRUCTION ENTRANCE/EXIT
	CONCRETE TRUCK WASHOUT PIT
	CONSTRUCTION STAGING AREA (TO BE FIELD LOCATED)
	SILT FENCING
	ROCK BERM
	WATERSHED BOUNDARY
	PROJECT LIMITS

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION WATER POLLUTION ABATEMENT PLAN GENERAL CONSTRUCTION NOTES

1. WRITTEN CONSTRUCTION NOTIFICATION MUST BE GIVEN TO THE APPROPRIATE TNRCC REGIONAL OFFICE NO LATER THAN 48 HOURS PRIOR TO COMMENCEMENT OF THE REGULATED ACTIVITY. INFORMATION MUST INCLUDE THE DATE ON WHICH THE REGULATED ACTIVITY WILL COMMENCE, THE NAME OF THE APPROVED PLAN FOR THE REGULATED ACTIVITY, AND THE NAME OF THE PRIME CONTRACTOR AND THE NAME AND TELEPHONE NUMBER OF THE CONTACT PERSON.
2. ALL CONTRACTORS CONDUCTING REGULATED ACTIVITIES ASSOCIATED WITH THIS PROJECT MUST BE PROVIDED WITH COMPLETE COPIES OF THE APPROVED WATER POLLUTION ABATEMENT PLAN AND THE TNRCC LETTER INDICATING THE SPECIFIC CONDITIONS OF ITS APPROVAL. DURING THE COURSE OF THESE REGULATED ACTIVITIES, THE CONTRACTORS ARE REQUIRED TO KEEP ON-SITE COPIES OF THE APPROVED PLAN AND APPROVAL LETTER.
3. IF ANY SENSITIVE FEATURE IS DISCOVERED DURING CONSTRUCTION, ALL REGULATED ACTIVITIES NEAR THE SENSITIVE FEATURE MUST BE SUSPENDED IMMEDIATELY. THE APPROPRIATE TNRCC REGIONAL OFFICE MUST BE IMMEDIATELY NOTIFIED OF ANY SENSITIVE FEATURES ENCOUNTERED DURING CONSTRUCTION. THE REGULATED ACTIVITIES NEAR THE SENSITIVE FEATURE MAY NOT PROCEED UNTIL THE TNRCC HAS REVIEWED AND APPROVED THE METHODS PROPOSED TO PROTECT THE SENSITIVE FEATURE AND THE EDWARDS AQUIFER FROM ANY POTENTIALLY ADVERSE IMPACTS TO WATER QUALITY.
4. NO TEMPORARY ABOVEGROUND HYDROCARBON AND HAZARDOUS SUBSTANCE STORAGE TANK SYSTEM IS INSTALLED WITHIN 150 FEET OF A DOMESTIC, INDUSTRIAL, IRRIGATION, OR PUBLIC WATER SUPPLY WELL, OR OTHER SENSITIVE FEATURE.
5. ALL TEMPORARY EROSION AND SEDIMENTATION (E&S) CONTROL MEASURES MUST BE PROPERLY SELECTED, INSTALLED, AND MAINTAINED IN ACCORDANCE WITH THE MANUFACTURERS SPECIFICATIONS AND GOOD ENGINEERING PRACTICES. CONTROLS SPECIFIED IN THE TEMPORARY STORM WATER SECTION OF THE APPROVED EDWARDS AQUIFER PROTECTION PLAN ARE REQUIRED DURING CONSTRUCTION. IF INSPECTIONS INDICATE A CONTROL HAS BEEN USED INAPPROPRIATELY, OR INCORRECTLY, THE APPLICANT MUST REPLACE OR MODIFY THE CONTROL FOR SITE SITUATIONS. THE CONTROLS MUST REMAIN IN PLACE UNTIL DISTURBED AREAS ARE REVEGETATED AND THE AREAS HAVE BECOME PERMANENTLY STABILIZED.
6. 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).
7. SEDIMENT MUST BE REMOVED FROM SEDIMENT TRAPS OR SEDIMENTATION PONDS NOT LATER THAN WHEN DESIGN CAPACITY HAS BEEN REDUCED BY 50%. A PERMANENT STAKE MUST BE PROVIDED THAT CAN INDICATE WHEN THE SEDIMENT OCCUPIES 50% OF THE BASIN VOLUME.
8. 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).
9. ALL SPOILS (EXCAVATED MATERIAL) GENERATED FROM THE PROJECT SITE MUST BE STORED ON-SITE WITH PROPER E&S CONTROLS. FOR STORAGE OR DISPOSAL OF SPOILS AT ANOTHER SITE ON THE EDWARDS AQUIFER RECHARGE ZONE, THE OWNER OF THE SITE MUST RECEIVE APPROVAL OF A WATER POLLUTION ABATEMENT PLAN FOR THE PLACEMENT OF FILL MATERIAL OR MASS GRADING PRIOR TO THE PLACEMENT OF SPOILS AT THE OTHER SITE.

10. STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE IN PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, BUT IN NO CASE MORE THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED. WHERE THE INITIATION OF STABILIZATION MEASURES BY THE 14TH DAY AFTER CONSTRUCTION ACTIVITY TEMPORARILY OR PERMANENTLY CEASES IS PRECLUDED BY WEATHER CONDITIONS, STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE. WHERE CONSTRUCTION ACTIVITY ON A PORTION OF THE SITE IS TEMPORARILY CEASED, AND EARTH DISTURBING ACTIVITIES WILL BE RESUMED WITHIN 21 DAYS, TEMPORARY STABILIZATION MEASURES DO NOT HAVE TO BE INITIATED ON THAT PORTION OF SITE. IN AREAS EXPERIENCING DROUGHTS WHERE THE INITIATION OF STABILIZATION MEASURES BY THE 14TH DAY AFTER CONSTRUCTION ACTIVITY HAS TEMPORARILY OR PERMANENTLY CEASED IS PRECLUDED BY SEASONAL ARID CONDITIONS, STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE.
11. THE FOLLOWING RECORDS SHALL BE MAINTAINED AND MADE AVAILABLE TO THE TNRCC 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. THE HOLDER OF ANY APPROVED EDWARDS AQUIFER PROTECTION PLAN MUST NOTIFY THE APPROPRIATE REGIONAL OFFICE IN WRITING AND OBTAIN APPROVAL FROM THE EXECUTIVE DIRECTOR PRIOR TO INITIATING ANY OF THE FOLLOWING:
 - A. ANY PHYSICAL OR OPERATIONAL MODIFICATION OF ANY WATER POLLUTION ABATEMENT STRUCTURE(S), INCLUDING BUT NOT LIMITED TO PONDS, DAMS, BERMS, SEWAGE TREATMENT PLANTS, AND DIVERSIONARY STRUCTURES;
 - B. ANY CHANGE IN THE NATURE OR CHARACTER OF THE REGULATED ACTIVITY FROM THAT WHICH WAS ORIGINALLY APPROVED OR A CHANGE WHICH WOULD SIGNIFICANTLY IMPACT THE ABILITY OF THE PLAN TO PREVENT POLLUTION OF THE EDWARDS AQUIFER;
 - C. ANY DEVELOPMENT OF LAND PREVIOUSLY IDENTIFIED AS UNDEVELOPED IN THE ORIGINAL WATER POLLUTION ABATEMENT PLAN.

SAN ANTONIO REGIONAL OFFICE
14250 JUDSON RD.
SAN ANTONIO, TEXAS 78233-4480
PHONE: (210) 490-3096
FAX: (210) 545-4329

RECEIVED
MAY 23 2001
COUNTY ENGINEER

THIS SHEET HAS BEEN PREPARED FOR PURPOSES OF POLLUTION ABATEMENT ONLY. ALL OTHER CIVIL ENGINEERING RELATED INFORMATION SHOULD BE ACQUIRED FROM THE APPROPRIATE SHEET IN THE CIVIL IMPROVEMENT PLANS.

EXHIBIT 1

REVISIONS:
5/7/01: BASIN "A" LOCATION MOVED

PAPE-DAWSON ENGINEERS

555 EAST RAMSEY | SAN ANTONIO, TEXAS 78216 | PHONE: 210.375.9000 | FAX: 210.375.9010

OAK RUN COMMERCIAL UNIT-9
TEMPORARY POLLUTION ABATEMENT PLAN

JOB NO. 5123-04

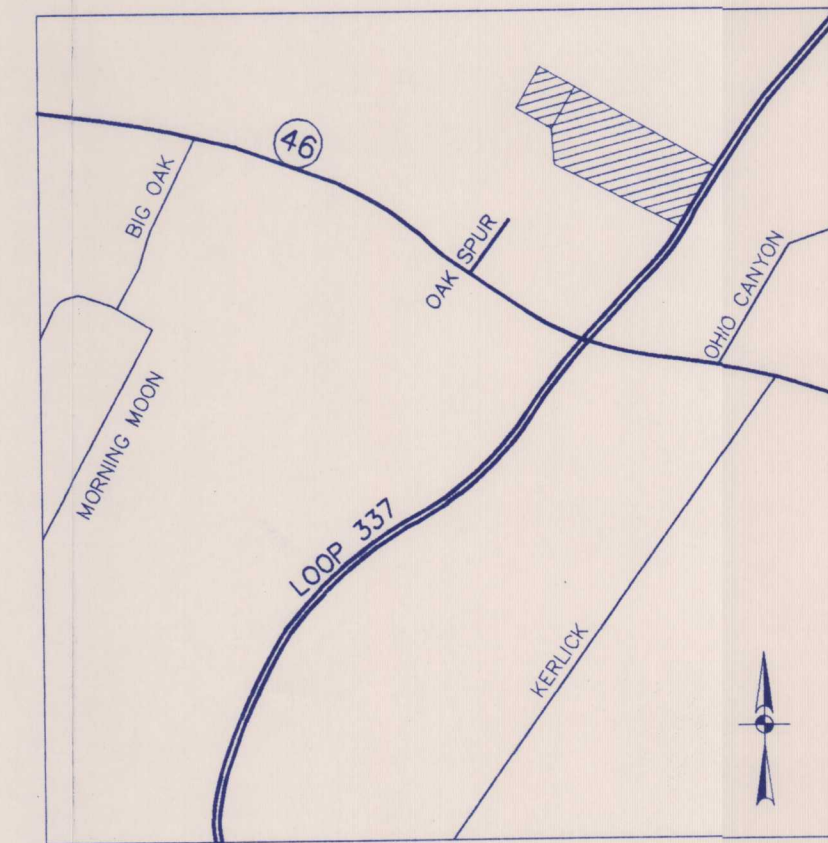
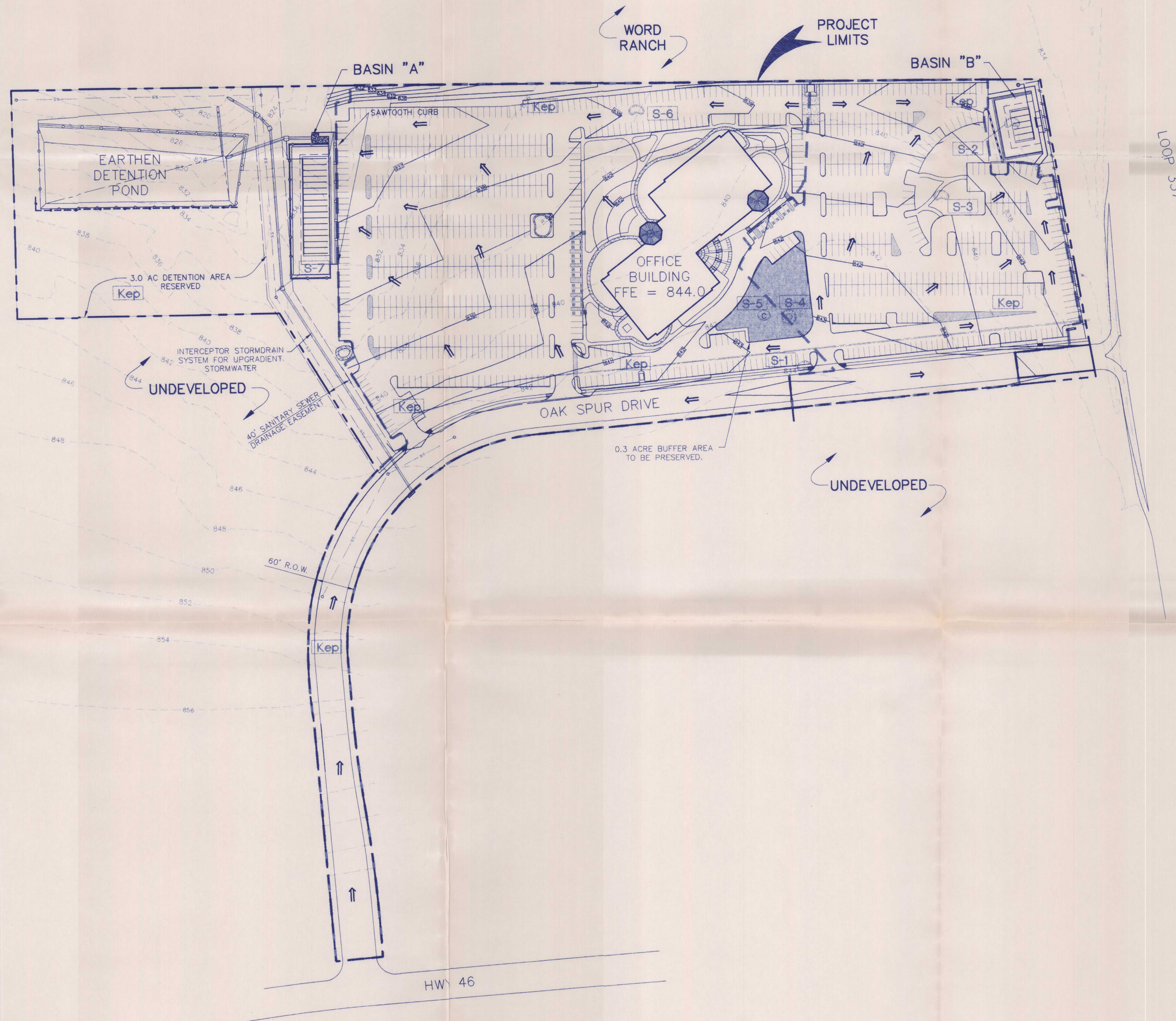
DATE NOVEMBER, 2000

DESIGNER SAS

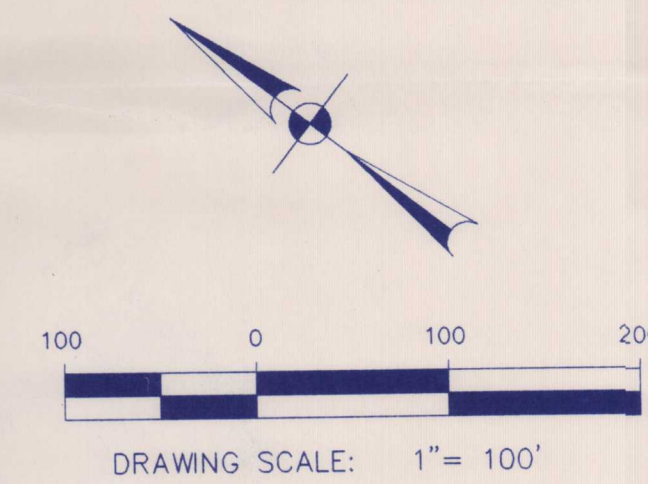
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SHEET 1 OF 1

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LOCATION MAP
N.T.S.



LEGEND	
	PERSON FORMATION
	POTENTIAL RECHARGE FEATURE (ON-SITE)
	CLOSED DEPRESSION
	SINKHOLE
	CAVE
	WATERSHED BOUNDARY
	PROJECT LIMITS
	DRAINAGE FLOW

SUMMARY OF PERMANENT POLLUTION ABATEMENT MEASURES:

1. SILT FENCE AND ROCK BERM WILL BE MAINTAINED UNTIL THE PARKING, ROADWAY, UTILITIES, AND DRAINAGE IMPROVEMENTS ARE COMPLETED.
2. THE SEDIMENTATION/FILTRATION BASINS WILL BE CONVERTED TO PERMANENT BASINS AND FILTER MEDIA INSTALLED AFTER 70% OF THE PAVEMENT AREA WITHIN ITS RESPECTIVE WATERSHED HAS BEEN PAVED.
3. STORMWATER RUNOFF FROM WITHIN THE COMMERCIAL DEVELOPMENT AND THE ROAD WILL BE DISCHARGED TO A SEDIMENTATION/ FILTRATION BASIN FOR ITS RESPECTIVE WATERSHED. EACH BASIN HAS BEEN DESIGNED TO REMOVE 80% OF THE INCREASED TOTAL SUSPENDED SOLIDS (TSS) IN ACCORDANCE WITH THE TNRCC'S TECHNICAL GUIDANCE MANUAL RG-348 (1999).
4. WHERE EXCESSIVE VELOCITIES EXIST ENERGY DISSIPATORS WILL BE PROVIDED AT ANY POINTS OF CONCENTRATED DISCHARGE TO HELP REDUCE EROSION.
5. THE SINKHOLE AND CAVE WILL BE PRESERVED WITHIN THE 0.30 ACRE BUFFER AREA, WHERE NATURAL DRAINAGE WAYS WILL BE PRESERVED.

RECEIVED
MAY 23 2001
COUNTY ENGINEER

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POLLUTION ABATEMENT ONLY. ALL OTHER CIVIL ENGINEERING
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APPROPRIATE SHEET IN THE CIVIL IMPROVEMENT PLANS.

EXHIBIT 2

REVISIONS:
5/7/01 BASIN "A" LOCATION MOVED



PAPE-DAWSON **PE** ENGINEERS

555 EAST RAMSEY | SAN ANTONIO TEXAS 78216 | PHONE: 210.375.9000
FAX: 210.375.9010

OAK RUN COMMERCIAL UNIT-9
PERMANENT POLLUTION ABATEMENT PLAN

JOB NO. 5123-04
DATE NOVEMBER, 2000
DESIGNER SAS
CHECKED COT DRAWN KLV
SHEET 1 OF 1

