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Dan Pearson, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

December 9, 1996

Mr. Steven Vick
Sterling House Corp.
453 Webb Road #500
Wichita, KS 67207

Re: EDWARDS AQUIFER, Comal County
PROJECT: Sterling House No. 4, Located on the S side of Loop 337, 230 ft E of
Castlewood Drive, 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. Vick:

The Texas Natural Resource Conservation Commission (TNRCC) has completed its review of the WPAP application for the referenced project that was submitted by Ford Engineering, Inc. on behalf of Sterling House Corp. to the San Antonio Regional Office on August 8, 1996. Additional changes were received from Ford Engineering, Inc. on October 23, 1996, and October 31, 1996. Final review of the WPAP submittal was completed after additional material was received from The Schultz Group, Inc. on November 22, 1996, and December 5, 1996. The WPAP proposed in the application is in general compliance with 30 TAC § 313.4; 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 commercial project will have an area of 1.72 acres and will consist of an assisted living facility with associated parking and driveways. Project wastewater will be disposed of by conveyance to the existing North Kuehler Wastewater Treatment plant owned by New Braunfels Utilities. The proposed impervious cover for the development is 0.85 acres (49%).

GEOLOGY

According to the geologic assessment included with the submittal, no potential recharge features were found on the project site. The San Antonio Regional Office site inspection of September 16, 1996, revealed no potential recharge features.

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:

Two (2) partial sedimentation/filtration basins will be used at this site. Both basins were designed in accordance with the City of Austin Environmental Criteria Manual.

Basin 1 is sized to capture the first ½ inch of stormwater run-off from 0.55 acres, providing a total capture volume of approximately 1425 cubic feet. The filtration system will consist of:

1. approximately 250 square feet of sand, which is 18 inches thick,
2. an underdrain piping wrapped with geotextile membrane, and
3. an impervious liner.

Basin 2 is sized to capture the first ½ inch of stormwater run-off from 0.12 acres, providing a total capture volume of approximately 400 cubic feet. The filtration system will consist of:

1. approximately 150 square feet of sand, which is 18 inches thick,
2. an underdrain piping wrapped with geotextile membrane, and
3. an impervious liner.

SPECIAL CONDITIONS

1. If any potential recharge 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 313.10 and 313.11, 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 Criteria Manual. The basins will incorporate sedimentation and filtration as described above.
4. A formal maintenance plan and schedule for all permanent pollution abatement measures shall be submitted to the San Antonio office for review and possible modification prior to completion of construction. The plan shall include a responsible party and the anticipated cleaning schedule. Upon approval, the plan shall be implemented in accordance with the approved schedule.
5. All permanent pollution abatement measures shall be operational prior to completion of construction.

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 313, 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 and prior to commencing any regulated activity at the project location. Proof of deed recordation shall be submitted to the San Antonio Regional Office. 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 were found 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.

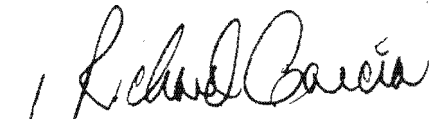
Any drill holes resulting from core sampling on-site or down-gradient of the site shall be plugged with native soil, from the bottom of the hole to the top of the hole, so as to not allow water or contaminants to enter the subsurface environment.

11. Pursuant to §26.136 of the Texas Water Code, any violations of the requirements in 30 TAC §313 may result in administrative penalties.

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

Sincerely,


Dan Pearson
Executive Director

DP/ JPR/eg

Enclosure: Deed Recordation Affidavit

cc: Jeff Moeller, The Schultz Group, Inc.
Harry Bennett, City of New Braunfels
Tom Hornseth, Comal County
Rick Illgner, Edwards Aquifer Authority
TNRCC Field Operations, Austin