

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

NOV 05 2014

October 20, 2014

COUNTY ENGINEER

Mr. Richard Wade  
Loop 337 Partners, L.P. and Loop 337 Partners Landhold, L.P.  
12950 Country Parkway, Suite 100  
San Antonio, TX 78216

Re: Edwards Aquifer, Comal County

NAME OF PROJECT: Walgreen's New Braunfels #3; Located near the northwest corner of the intersection of State Highway 46 and Loop 337; New Braunfels, Texas

TYPE OF PLAN: Request for Modification of an Approved Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer

Investigation No. 1192914; Regulated Entity No. RN104785613; Additional ID No. 13-14082701

Dear Mr. Wade:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP Modification application for the above-referenced project submitted to the San Antonio Regional Office by Moy Tarin Ramirez Engineers, LLC on behalf of Loop 337 Partners, L.P. and Loop 337 Partners Landhold, L.P. on August 27, 2014. Final review of the WPAP was completed after additional material was received on October 9, 2014. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) were selected and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer's concurrence of compliance, the planning materials for construction of the proposed project and pollution abatement measures are hereby approved subject to applicable state rules and the conditions in this letter. The applicant or a person affected may file with the chief clerk a motion for reconsideration of the executive director's final action on this Edwards Aquifer Protection Plan. A motion for reconsideration must be filed no later than 23 days after the date of this approval letter. *This approval expires two (2) years from the date of this letter unless, prior to the expiration date, more than 10 percent of the construction has commenced on the project or an extension of time has been requested.*

### BACKGROUND

The Walgreen's New Braunfels #3 was originally approved on February 14, 2006. This approval included one pharmacy store, and associated parking. Permanent treatment was provided by the construction of one (1) partial sedimentation/filtration basin. The total site area was 3.56 acres with 2.918 acres (81.9

percent) impervious cover. Project wastewater is disposed of by conveyance to the existing North Kuehler Water Recycling Center owned by the New Braunfels Utilities.

#### PROJECT DESCRIPTION

The proposed Wells Fargo Bank will have an area of approximately 3.56 acres. It will include a 3,500 square foot building, drive through lanes, parking lot, retaining walls and landscape. The impervious cover will be 2.915 acres (81.9 percent). Project wastewater will be disposed of by conveyance to the existing North Kuehler Water Recycling Center owned by the New Braunfels Utilities.

#### PERMANENT POLLUTION ABATEMENT MEASURES

To prevent the pollution of stormwater runoff originating on-site or upgradient of the site and potentially flowing across and off the site after construction, one partial sedimentation/filtration basin, designed using the TCEQ technical guidance document, Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices (1999), has been constructed to treat stormwater runoff. The total required and designed total suspended solids (TSS) treatment for the 3.56 acre site is 2,352 pounds of TSS generated from the 2.918 acres of impervious cover. The approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

No changes have been proposed to the layout, specifications or the design of the partial sedimentation/filtration basin. The sedimentation/filtration basin has been designed with a total capture volume of 14,593 cube feet and is sized to capture the first 0.94 inches of stormwater run-off. The filtration system will consist of:

1. 1,183 square feet of sand, which is 18 inches thick,
2. An underdrain piping covered with geotextile membrane, and
3. An impervious liner.

#### GEOLOGY

According to the geologic assessment included with the application, the site lies within the Cyclic and Marine member of the Person Formation. The project geologist mapped no geologic or manmade features within the site. The San Antonio Regional Office site assessment conducted on October 2, 2014 revealed that the site was generally as described in the application.

#### SPECIAL CONDITIONS

- I. This modification is subject to all Special and Standard Conditions listed in the WPAP approval letter dated February 14, 2006.
- II. This modification approval is only for regulated activities proposed within the 3.56 acre site limits described in the WPAP application. Regulated activities outside the project limits that have not been previously approved by TCEQ will require a separate modification to the original WPAP.
- III. All sediment and/or media removed from the water quality basin during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335, as applicable.

#### STANDARD CONDITIONS

1. Pursuant to Chapter 7 Subchapter C of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.

2. The holder of the approved Edwards Aquifer protection plan must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the approved plan. Additional and separate approvals, permits, registrations and/or authorizations from other TCEQ Programs (i.e., Stormwater, Water Rights, UIC) can be required depending on the specifics of the plan.
3. In addition to the rules of the Commission, the applicant may also be required to comply with state and local ordinances and regulations providing for the protection of water quality.

RECEIVED

NOV 05 2014

Prior to Commencement of Construction:

4. 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, TCEQ-0625) that you may use to deed record the approved WPAP is enclosed.
5. 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.
6. 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.
7. 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 program ID 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.
8. 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 TCEQ may monitor stormwater discharges from the site to evaluate the adequacy of temporary E&S control measures. Additional controls may be necessary if excessive solids are being discharged from the site.
9. 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:

10. 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.

11. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 6, above.
12. 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.
13. No wells exist on 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.
14. 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.
15. Intentional discharges of sediment laden water are not allowed. If dewatering becomes necessary, the discharge will be filtered through appropriately selected best management practices. These may include vegetated filter strips, sediment traps, rock berms, silt fence rings, etc.
16. 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.
17. 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:

18. 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.
19. 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 San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.
20. 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

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Page 5  
October 20, 2014

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.

21. 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.
22. 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.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality. If you have any questions or require additional information, please contact Monica Reyes of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210)403-4012.

Sincerely,



Lynn Bumgardner, Water Section Manager  
San Antonio Region Office  
Texas Commission on Environmental Quality

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COUNTY ENGINEER

LB/MR/eg

Enclosures: Deed Recordation Affidavit, Form TCEQ-0625  
Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-10263

cc: Mr. Greg Senulis P.E., Moy Tarin Ramirez Engineers, LLC  
Mr. Charlie Thomas, P.E., City Engineer, City of New Braunfels  
Mr. Thomas Hornseth, P.E., Comal County  
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Page 3

October 20, 2014

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Page 5

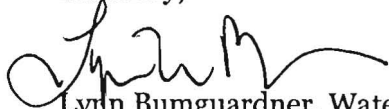
October 20, 2014

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Sincerely,



Lynn Bumguardner, Water Section Manager  
San Antonio Region Office  
Texas Commission on Environmental Quality

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Enclosures: Deed Recordation Affidavit, Form TCEQ-0625  
Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-10263

cc: Mr. Greg Senulis P.E., Moy Tarin Ramirez Engineers, LLC  
Mr. Charlie Thomas, P.E., City Engineer, City of New Braunfels  
Mr. Thomas Hornseth, P.E., Comal County  
Mr. Roland Ruiz, Edwards Aquifer Authority  
TCEQ Central Records, Building F, MC 212



• Engineers  
• Surveyors  
• Planners

**Moy Tarin Ramirez Engineers, LLC**

October 9, 2014

Ms. Monica Reyes  
Texas Commission on Environmental Quality  
14250 Judson Rd.  
San Antonio, TX 78233-4480

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OCT 20 2014

COUNTY ENGINEER

RE: Walgreen's New Braunfels No. 3  
Water Pollution Abatement Plan (WPAP) Application for Modification  
Technical Review Comment Response Letter

Dear Ms. Reyes:

Moy Tarin Ramirez Engineers has addressed the Walgreen's New Braunfels No. 3 WPAP technical review comments dated October 2, 2014, as follows:

Water Pollution Abatement Application Form:

1. The total impervious cover on the application form has been revised to read 126,965 square feet.

Temporary Stormwater Section:

2. Attachment A Spill Response Actions has been revised to include a line item for training with the following statement "Train employees in spill prevention and cleanup".
3. Attachment I Inspection and Maintenance for BMP's has been revised to include the following statement in the silt fence section "When construction is complete, the sediment should be disposed of in a manner that will not cause additional siltation and the prior location of the silt fence should be revegetated. The fence itself should be disposed of in an approved landfill."

Site Plan:

4. The WPAP site plan has been updated to include the detail for a rock berm.

Enclosed are 5 copies (1 original and 4 duplicates) of the revision items identified above. Please approve the WPAP application. If you have any questions, please contact our office. Thank you.

Sincerely,

Greg Senulis, Senior Project Manager  
Enclosures

RECEIVED TCEQ  
SAN ANTONIO  
REGION  
2014 OCT -9 PM 2:23

**Water Pollution Abatement Plan Application**  
for Regulated Activities  
on the Edwards Aquifer Recharge Zone  
and Relating to 30 TAC §213.5(b), Effective June 1, 1999

REGULATED ENTITY NAME: Walgreen's – New Braunfels #3

**REGULATED ENTITY INFORMATION**

1. The type of project is:  
☐ Residential: # of Lots: \_\_\_\_\_  
☐ Residential: # of Living Unit Equivalents: \_\_\_\_\_  
☒ Commercial  
☐ Industrial  
☐ Other: \_\_\_\_\_
2. Total site acreage (size of property): 3.56
3. Projected population: 20-30
4. The amount and type of impervious cover expected after construction are shown below:

Impervious Cover of Proposed Project	Sq. Ft.	Sq. Ft./Acre	Acres
Structures/Rooftops	18,281	÷ 43,560 =	0.420
Parking	90,047	÷ 43,560 =	2.067
Other paved surfaces	18,637	÷ 43,560 =	0.428
Total Impervious Cover	126,965	÷ 43,560 =	2.915
Total Impervious Cover ÷ Total Acreage x 100 =			81.9%

5. ☒ **ATTACHMENT A - Factors Affecting Water Quality.** A description of any factors that could affect surface water and groundwater quality is provided at the end of this form.
6. ☒ Only inert materials as defined by 30 TAC §330.2 will be used as fill material.

**FOR ROAD PROJECTS ONLY**

**Complete questions 7-12 if this application is exclusively for a road project.**

7. Type of project:  
☐ TXDOT road project.  
☐ County road or roads built to county specifications.  
☐ City thoroughfare or roads to be dedicated to a municipality.  
☐ Street or road providing access to private driveways.
8. Type of pavement or road surface to be used:  
☐ Concrete  
☐ Asphaltic concrete pavement  
☐ Other: \_\_\_\_\_

## ATTACHMENT A

### Spill Response Actions

#### 1. Housekeeping

- A. Minimize materials: An effort will be made to store only enough materials required to do the job.
- B. Storage: All materials stored on site will be stored in a neat, orderly manner in their appropriate containers in a covered area. If storage in a covered area is not feasible, then the materials will be covered with polyethylene or polypropylene sheeting to protect them from the elements.
- C. Labeling: Products will be kept in their original containers with the original manufacturer's label affixed to each container.
- D. Mixing: Substances will not be mixed with one another unless this is recommended by the manufacturer.
- E. Disposal: Whenever possible, all of a product will be used prior to disposal of the container. Manufacturer's recommendations will be followed for proper use and disposal of materials on site.
- F. Inspections: The site superintendent will inspect the site daily to ensure proper use and disposal of materials on site.
- G. Spoil Materials: Any excavated earth that will not be used for fill material and all demolished pavement will be hauled off site immediately and will be disposed of properly, in accordance with all applicable state/local regulations.

#### H. Training: Train employees in spill prevention and cleanup.

#### 2. Product Specific Practices

- A. Petroleum Products: All on site vehicles will be monitored for leaks and will receive regular preventive maintenance to reduce the chance of leakage. If petroleum products will be present at the site, then they will be stored in tightly sealed containers which are clearly labeled. Any asphalt substances used on site will be applied according to the manufacturer's recommendations.
- B. Concrete Trucks: Ready/Transit Mix Trucks will not be allowed to wash out or discharge surplus concrete or drum wash water except in the designated location on site as shown on the SWPPP site plan.
- C. Paints: All containers will be tightly sealed and stored when not required for use. Excess paint will not be poured into storm sewer system or drainage channels, but will be properly disposed of according to manufacturers' instructions or state/local regulations.
- D. Fertilizers: Fertilizers will be applied only in the minimum amounts recommended by the manufacturer. Once applied, fertilizer will be worked into the soil to limit

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exposure to storm water. The fertilizer will be stored in a covered area, and any partially used bags will be transferred to a sealable plastic bin to avoid spills.

### 3. Spill Control and Response Measures

A spill prevention and response team will be designated by the site superintendent. In addition, the following practices will be followed for spill cleanup:

- A. Information: Manufacturers' recommended methods for spill cleanup will be clearly posted, and site personnel will be made aware of the procedures and location of the information and cleanup supplies.
- B. Equipment: Materials and equipment necessary for spill cleanup will be present on the site at all times. Equipment and materials will include, but not be limited to brooms, shovels, rags, gloves, goggles, absorbent materials (sand, sawdust, etc.) and plastic or metal trash containers specifically designed for this purpose. The materials and equipment necessary for spill cleanup will be dependent upon the nature and quantity of the material stored on site.
- C. Response: All spills will be cleaned up immediately upon discovery.

#### **Cleanup**

- (1) Clean up leaks and spills immediately
- (2) Use a rag for small spills on paved surfaces, a damp mop for general cleanup, and absorbent material for larger spills. If the spilled material is hazardous, then the used cleanup materials are also hazardous and must be disposed of as hazardous waste.
- (3) Never hose down or bury dry material spills. Clean up as much of the material as possible and dispose of properly. See the waste management BMPs in TCEQ Technical Guidance Manual RG-348 for specific information.

#### **Minor Spills**

- (1) Minor spills typically involve small quantities of oil, gasoline, paint, etc. which can be controlled by the first responder at the discovery of the spill.
- (2) Use absorbent materials on small spills rather than hosing down or burying the spill
- (3) Absorbent materials should be promptly removed and disposed of properly.
- (4) Follow the practice below for a minor spill:
- (5) Contain the spread of the spill.
- (6) Recover spilled materials.
- (7) Clean the contaminated area and properly dispose of contaminated materials.

#### **Semi-Significant Spills**

Semi-significant spills still can be controlled by the first responder along with the aid of other personnel such as laborers and the foreman, etc. This response may require the cessation of all other activities.

Spills should be cleaned up immediately:

- (1) Contain spread of the spill.
- (2) Notify the project foreman immediately.
- (3) If the spill occurs on paved or impermeable surfaces, clean up using "dry" methods (absorbent materials, cat litter and/or rags). Contain the spill by encircling with absorbent materials and do not let the spill spread widely.
- (4) If the spill occurs in dirt areas, immediately contain the spill by constructing an earthen dike. Dig up and properly dispose of contaminated soil.
- (5) If the spill occurs during rain, cover the spill with tarps or other material to prevent contaminating runoff.

#### **Significant/Hazardous Spills**

For significant or hazardous spills that are in reportable quantities:

- (1) Notify the TCEQ by telephone as soon as possible and within 24 hours at 512-339-2929 (Austin) or 210-490-3096 (San Antonio) between 8 AM and 5 PM. After hours, contact the Environmental Release Hotline at 1-800-832-8224. It is the contractor's responsibility to have all emergency phone numbers at the construction site.
- (2) For spills of federal reportable quantities, in conformance with the requirements in 40 CFR parts 110, 119, and 302, the contractor should notify the National Response Center at (800) 424-8802.
- (3) Notification should first be made by telephone and followed up with a written report.
- (4) The services of a spills contractor or a Haz-Mat team should be obtained immediately. Construction personnel should not attempt to clean up until the appropriate and qualified staffs have arrived at the job site.
- (5) Other agencies which may need to be consulted include, but are not limited to, the City Police Department, County Sheriff Office, Fire Departments, etc.

#### **D. Vehicle and Equipment Maintenance**

- (1) If maintenance must occur onsite, use a designated area and a secondary containment, located away from drainage courses, to prevent the runoff of stormwater and the runoff of spills.
- (2) Regularly inspect onsite vehicles and equipment for leaks and repair immediately.
- (3) Check incoming vehicles and equipment (including delivery trucks, and employee and subcontractor vehicles) for leaking oil and fluids. Do not allow leaking vehicles or equipment onsite.
- (4) Always use secondary containment, such as a drain pan or drop cloth, to catch spills or leaks when removing or changing fluids.

(5) Place drip pans or absorbent materials under paving equipment when not in use.

(6) Use absorbent materials on small spills rather than hosing down or burying the spill. Remove the absorbent materials promptly and dispose of properly.

(7) Promptly transfer used fluids to the proper waste or recycling drums. Don't leave full drip pans or other open containers lying around.

(8) Oil filters disposed of in trash cans or dumpsters can leak oil and pollute stormwater. Place the oil filter in a funnel over a waste oil-recycling drum to drain excess oil before disposal. Oil filters can be recycled. Ask the oil supplier or recycler about recycling oil filters.

(9) Store cracked batteries in a non-leaking secondary container. Do this with all cracked batteries even if you think all the acid has drained out. If you drop a battery, treat it as if it is cracked. Put it into the containment area until you are sure it is not leaking.

E. Vehicle and Equipment Fueling

(1) If fueling must occur onsite, use designated areas, located away from drainage courses, to prevent the runoff of stormwater and the runoff of spills.

(2) Discourage "topping off" of fuel tanks.

(3) Always use secondary containment, such as a drain pan, when fueling to catch spills/leaks.

F. Safety: The spill area will be kept well ventilated, and personnel will wear appropriate protective clothing to prevent injury from contact with hazardous substances.

G. Reporting: Spills of toxic or hazardous material (if present on site) will be reported to the appropriate state or local government agency, regardless of the spill's size.

H. Record Keeping: The spill prevention plan will be modified to include measures to prevent this type of spill from recurring as well as improved methods for cleaning up any future spills. A description of each spill, what caused it, and the cleanup measures used will be kept with this plan.

**ATTACHMENT I**  
**Inspection and Maintenance for BMPs**

Silt Fence

1. Inspect all fencing weekly, and after any rainfall.
2. Remove sediment when buildup reaches 6 inches, or install a second line of fencing parallel to the old fence.
3. Replace any torn fabric or install a second line of fencing parallel to the torn section.
4. Replace or repair any sections crushed or collapsed in the course of construction activity.
5. **When construction is complete, the sediment should be disposed of in a manner that will not cause additional siltation and the prior location of the silt fence should be revegetated. The fence itself should be disposed of in an approved landfill.**

Rock Berm

1. Inspections should be made weekly and after each rainfall by the responsible party.
2. Remove sediment and other debris when buildup reaches 6 inches and dispose of the accumulated silt in an approved manner.
3. Repair any loose wire sheathing.
4. The berm should be reshaped as needed during inspection.
5. The berm should be replaced when the structure ceases to function as intended due to silt accumulation among the rocks, washout, construction traffic damage, etc.
6. The rock berm should be left in place until all upstream areas are stabilized and accumulated silt removed.

Temporary Construction Entrance and Exits

1. The entrance should be maintained in a condition, which will prevent tracking or following of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand and repair and/or cleanout of any measures used to trap sediment.
2. All sediment spilled, dropped, washed or tracked on to public rights-of-ways should be removed immediately by contractor.
3. When necessary, wheels should be cleaned to remove sediment prior to entrance onto public right-of-way.
4. When washing is required, it should be done on an area stabilized with crushed stone that drains into an approved sediment trap or sediment basin.
5. All sediment should be prevented from entering any storm drain, ditch, or water course by using approved methods.

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Bryan W. Shaw, Ph.D., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 28, 2014

RECEIVED

SEP 03 2014

Mr. Thomas H. Hornseth, P.E.  
Comal County Engineer  
195 David Jonas Drive  
New Braunfels TX 78132-3710

COUNTY ENGINEER

Re: Edwards Aquifer, Comal County  
PROJECT NAME: Walgreens New Braunfels #3 and Wells Fargo Bank, located on the northwest corner of the intersection of Loop 337 and Highway 46, New Braunfels, Texas

PLAN TYPE: Application for Approval of Water Pollution Abatement Plan (WPAP) 30  
Texas Administration Code (TAC) Chapter 213; Edwards Aquifer Protection Program  
EAPP Additional ID: 13-14082701

Dear Mr. Hornseth:

The referenced application is being forwarded to you pursuant to the Edwards Aquifer Rules. The Texas Commission on Environmental Quality (TCEQ) is required by 30 TAC Chapter 213 to provide copies of all applications to affected incorporated cities and underground water conservation districts for their comments prior to TCEQ approval. More information regarding this project may be obtained from the TCEQ Central Registry website at [http://www.tceq.state.tx.us/permitting/central\\_registry/](http://www.tceq.state.tx.us/permitting/central_registry/).

Please forward your comments to this office by September 28, 2014.

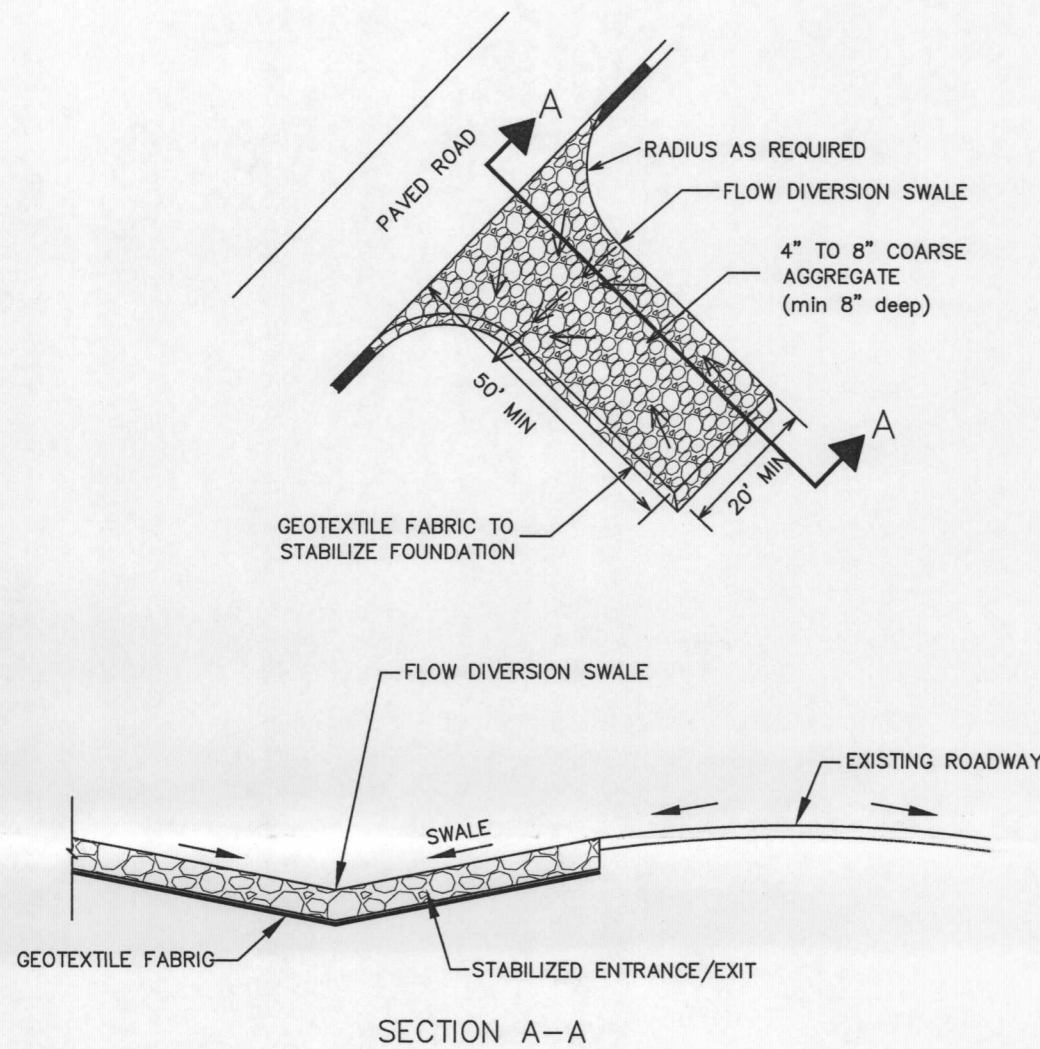
The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact the San Antonio Region Office at (210) 490-3096.

Sincerely

A handwritten signature in blue ink, appearing to read "Todd Jones".

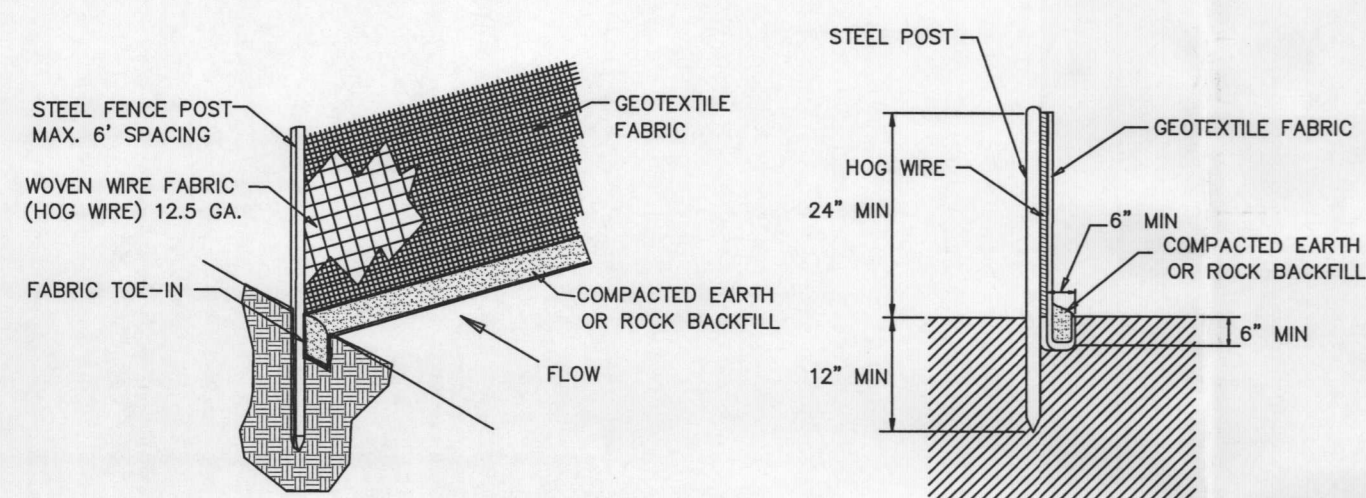
Todd Jones  
Water Section Work Leader  
San Antonio Regional Office

TJ/eg



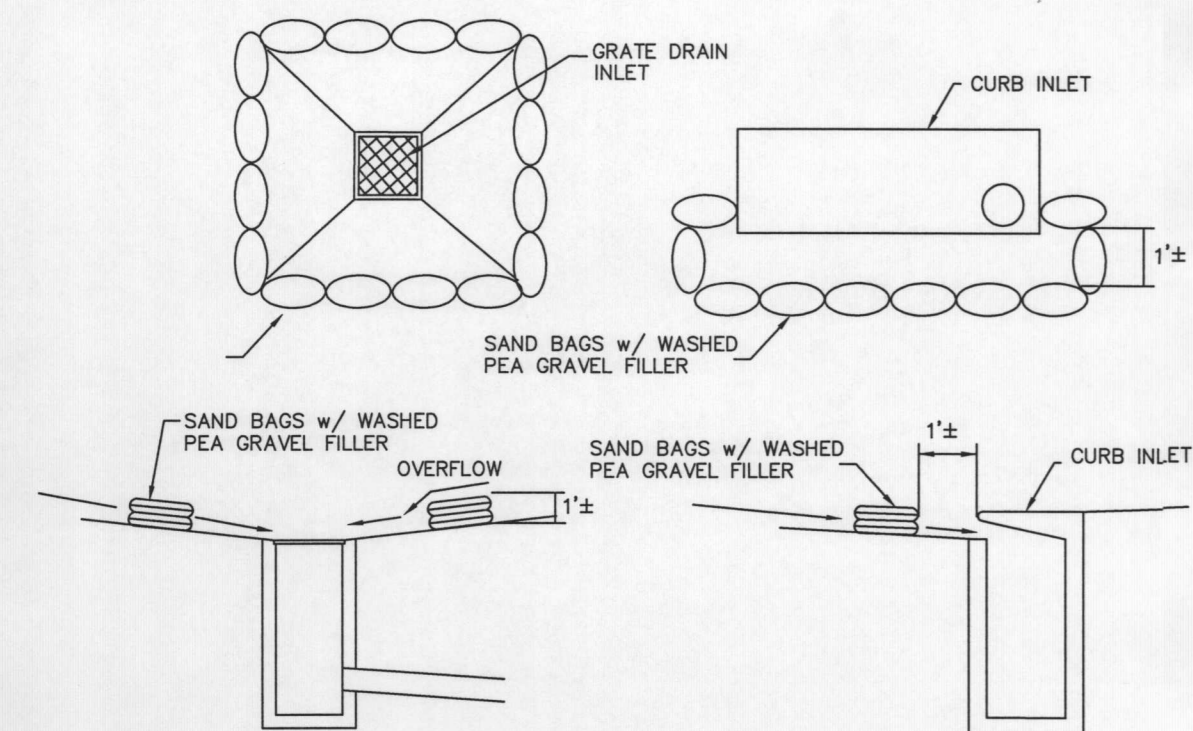
## 1 STABILIZED CONSTRUCTION ENTRANCE / EXIT

SCALE: NONE



## 2 SILT FENCE DETAIL

SCALE: NONE

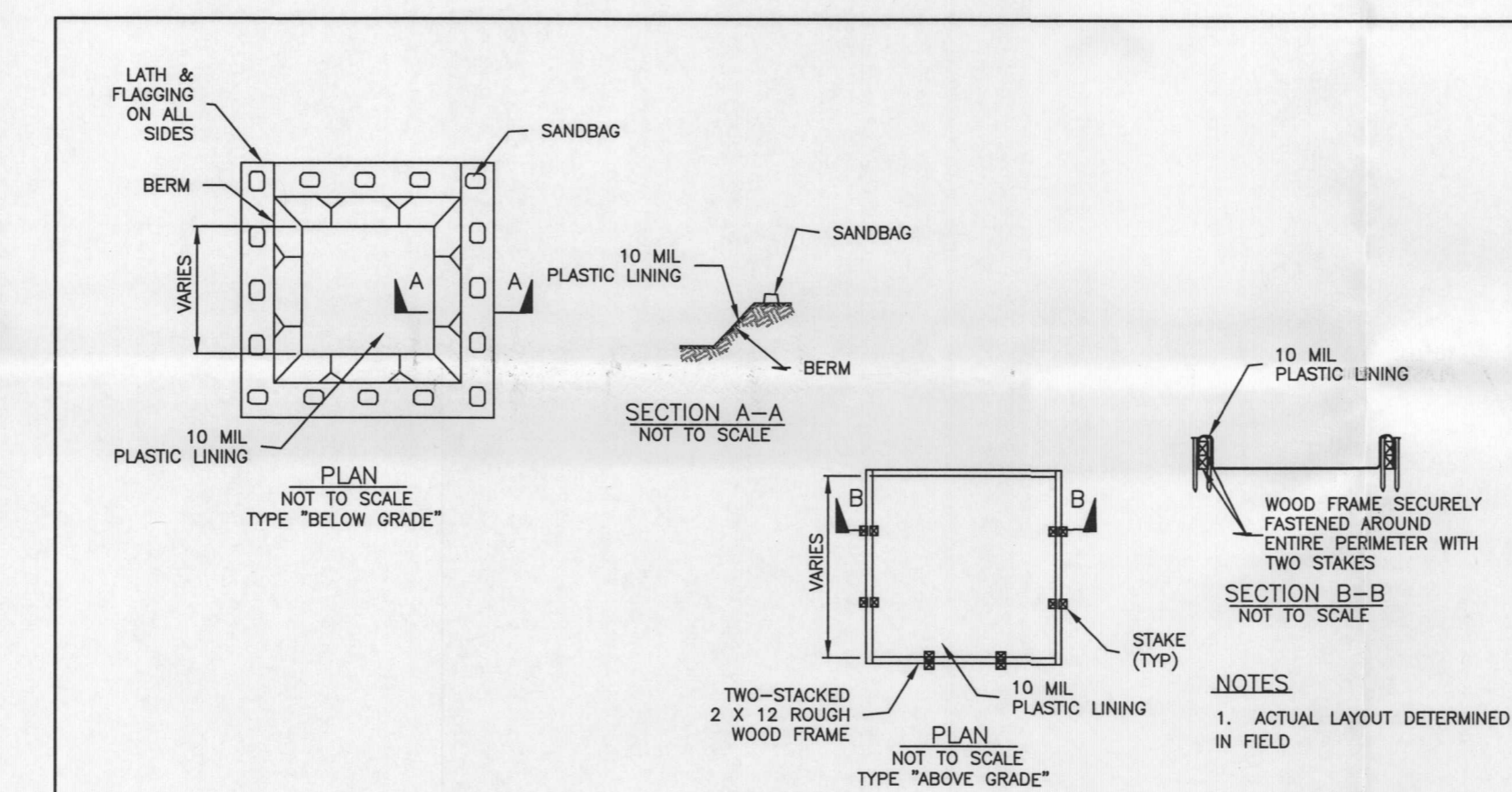
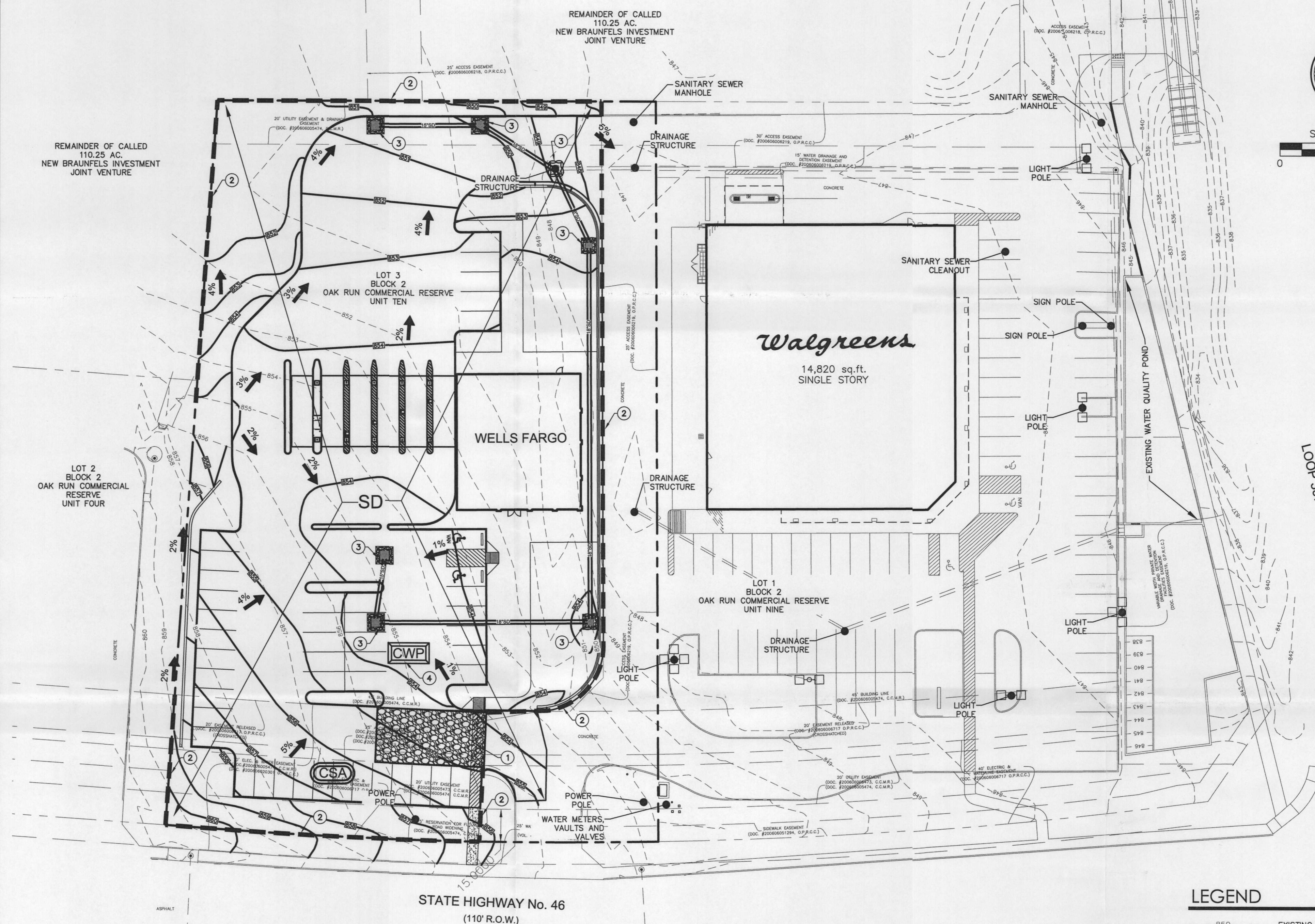


## 3 BAGGED GRAVEL INLET FILTER

SCALE: NONE

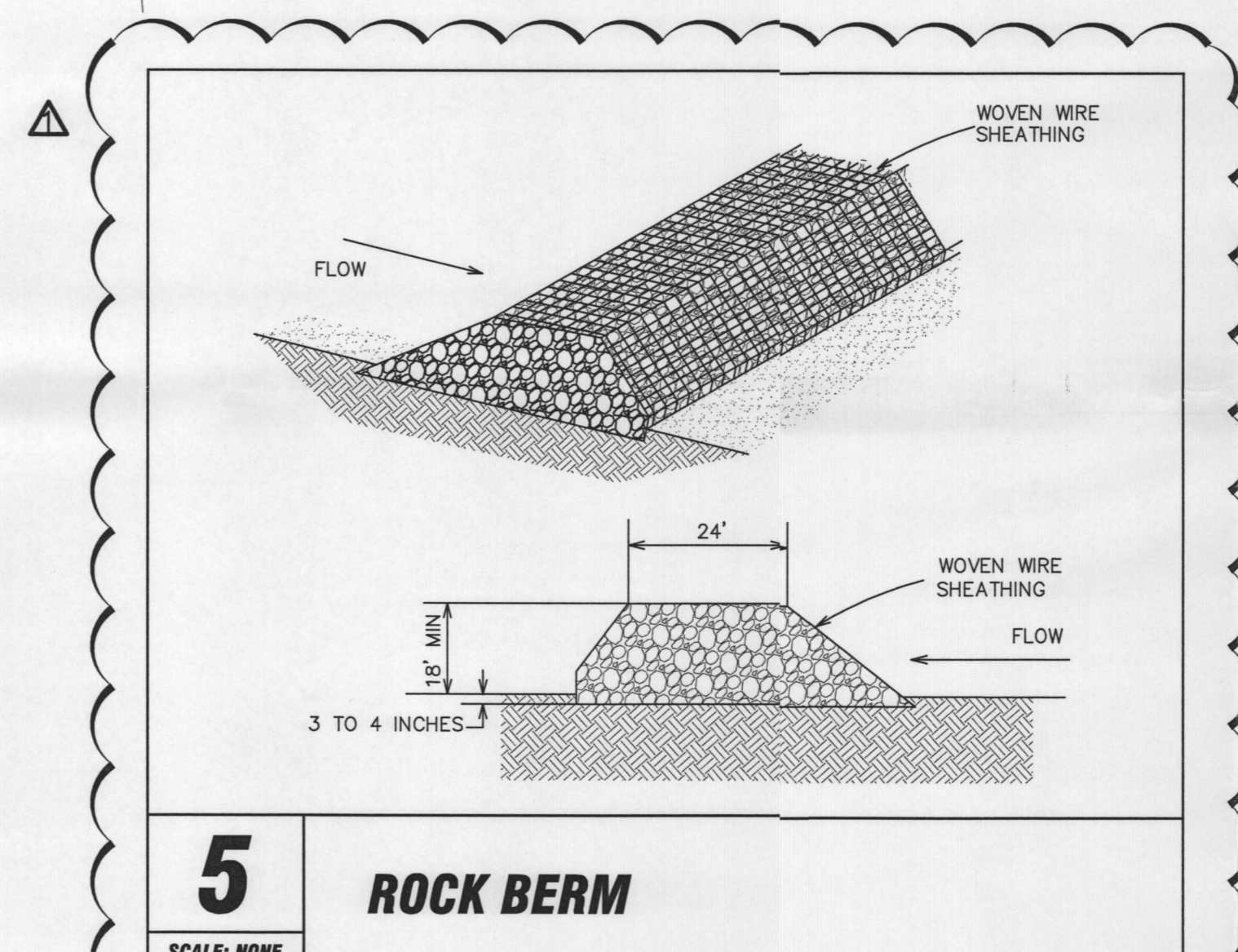
### GENERAL NOTES:

- SOIL DISTURBANCES WILL OCCUR OVER ENTIRE SITE UNLESS OTHERWISE SHOWN ON THIS PLAN.
- LOCATIONS OF MAJOR STRUCTURAL AND NONSTRUCTURAL CONTROLS ARE LABELED.
- THESE ARE THE TEMPORARY AND PERMANENT BEST MANAGEMENT PRACTICES.
- SOIL STABILIZATION PRACTICES SHALL OCCUR OVER THE ENTIRE SITE WITH THE USE OF PAVEMENT, BUILDINGS, SIDEWALKS, GRASS SOD, GRASS SEEDING AND MULCH.
- THERE ARE NO LOCATIONS WHERE STORMWATER DISCHARGES TO SURFACE WATER.
- ALL STORMWATER DISCHARGE TO SENSITIVE FEATURES SHALL BE COVERED WITH GRASS SOD.



## 4 CONCRETE TRUCK WASHOUT PIT

SCALE: NONE



## 5 ROCK BERM

SCALE: NONE

### LEGEND

- EXISTING CONTOURS
- PROPERTY LINE
- SILT FENCE
- PROPOSED CONTOURS
- BAGGED GRAVEL INLET FILTER
- STABILIZED CONSTRUCTION EXIT
- ITEM NUMBER
- CONSTRUCTION STAGING AREA
- FLOW DIRECTION AND SLOPE
- SD
- CONCRETE WASHOUT PIT

### KEY NOTES:

- TEMPORARY CONSTRUCTION ENTRANCE / EXIT
- SILT FENCE
- BAGGED GRAVEL INLET FILTER
- CONCRETE WASHOUT PIT

REVISIONS	BY	DATE	DESCRIPTION
1	CD	10/9/14	TCEC COMMENTS

**Engineers**  
**Surveyors**  
**Planners**

**MIR**

**Moy Tarin Ramirez Engineers, LLC**  
FIRM TYPE NO. F-5297 & TBPLS NO. 10131500  
12770 GIMARRON PATH, SUITE 100  
SAN ANTONIO, TEXAS 78249  
TEL: (210) 698-5051  
FAX: (210) 698-5085

WELLS FARGO (NEW BRAUNFELS)  
WPAP SITE PLAN  
CONSTRUCTION PLANS

***WALGREEN'S – NEW BRAUNFELS #3***

**WATER POLLUTION ABATEMENT PLAN**

**MODIFICATION**

*San Antonio, Texas*

**Prepared by:**

**Moy Tarin Ramirez Engineers, LLC  
12770 Cimarron Path, Suite 100  
San Antonio, Texas 78249  
(210) 698-5051**

**August 26, 2014**

**General Information Form**  
For Regulated Activities on the  
Edwards Aquifer Recharge and Transition Zones  
and Relating to 30 TAC §213.4(b) & §213.5(b)(2)(A), (B)  
Effective June 1, 1999

REGULATED ENTITY NAME: Walgreen's - New Braunfels #3  
COUNTY: Comal STREAM BASIN: Panther Canyon

EDWARDS AQUIFER: ☒ RECHARGE ZONE  
☐ TRANSITION ZONE

PLAN TYPE: ☒ WPAP ☐ AST ☐ EXCEPTION  
☐ SCS ☐ UST ☒ MODIFICATION

**CUSTOMER INFORMATION**

1. Customer (Applicant):

Contact Person: Richard Wade  
Entity: Loop 337 Partners, L.P. and Loop 337 Partners Landhold, L.P.  
Mailing Address: 12950 Country Parkway, Ste. 100  
City, State: San Antonio, TX Zip: 78216  
Telephone: (210) 490-9000 FAX: (210) 490-9011

Agent/Representative (If any):

Contact Person: Greg Senulis  
Entity: Moy Tarin Ramirez Engineers, LLC  
Mailing Address: 12770 Cimarron Path, Ste. 100  
City, State: San Antonio, TX Zip: 78249  
Telephone: (210) 698-5051 FAX: (210) 698-5085

2. ☒ This project is inside the city limits of New Braunfels.  
☐ This project is outside the city limits but inside the ETJ (extra-territorial jurisdiction) of \_\_\_\_\_.  
☐ This project is not located within any city's limits or ETJ.

3. The location of the project site is described below. The description provides sufficient detail and clarity so that the TCEQ's Regional staff can easily locate the project and site boundaries for a field investigation.

The project site is located at the northwest corner of State Hwy 46 and Loop 337 in New Braunfels.

4. ☒ **ATTACHMENT A - ROAD MAP.** A road map showing directions to and the location of the project site is attached at the end of this form.

5. ☒ **ATTACHMENT B - USGS / EDWARDS RECHARGE ZONE MAP.** A copy of the official 7 1/2 minute USGS Quadrangle Map (Scale: 1" = 2000') of the Edwards Recharge Zone is attached behind this sheet. The map(s) should clearly show:

☒ Project site.

- X USGS Quadrangle Name(s).  
X Boundaries of the Recharge Zone (and Transition Zone, if applicable).  
X Drainage path from the project to the boundary of the Recharge Zone.

6. X Sufficient survey staking is provided on the project to allow TCEQ regional staff to locate the boundaries and alignment of the regulated activities and the geologic or manmade features noted in the Geologic Assessment. **The TCEQ must be able to inspect the project site or the application will be returned.**
7. X **ATTACHMENT C - PROJECT DESCRIPTION.** Attached at the end of this form is a detailed narrative description of the proposed project.
8. Existing project site conditions are noted below:  
X Existing commercial site  
— Existing industrial site  
— Existing residential site  
— Existing paved and/or unpaved roads  
— Undeveloped (Cleared)  
— Undeveloped (Undisturbed/Uncleared)  
— Other: \_\_\_\_\_

#### PROHIBITED ACTIVITIES

9. X I am aware that the following activities are prohibited on the **Recharge Zone** and are not proposed for this project:
- (1) waste disposal wells regulated under 30 TAC Chapter 331 of this title (relating to Underground Injection Control);
  - (2) new feedlot/concentrated animal feeding operations, as defined in 30 TAC §213.3;
  - (3) land disposal of Class I wastes, as defined in 30 TAC §335.1;
  - (4) the use of sewage holding tanks as parts of organized collection systems; and
  - (5) new municipal solid waste landfill facilities required to meet and comply with Type I standards which are defined in §330.41(b), (c), and (d) of this title (relating to Types of Municipal Solid Waste Facilities).
10. X I am aware that the following activities are prohibited on the **Transition Zone** and are not proposed for this project:
- (1) waste disposal wells regulated under 30 TAC Chapter 331 (relating to Underground Injection Control);
  - (2) land disposal of Class I wastes, as defined in 30 TAC §335.1; and
  - (3) new municipal solid waste landfill facilities required to meet and comply with Type I standards which are defined in §330.41 (b), (c), and (d) of this title.

#### ADMINISTRATIVE INFORMATION

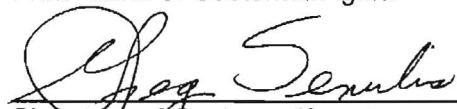
11. The fee for the plan(s) is based on:
- X For a Water Pollution Abatement Plan and Modifications, the total acreage of the site where regulated activities will occur.
- For an Organized Sewage Collection System Plans and Modifications, the total linear footage of all collection system lines.

- ☐ For a UST Facility Plan or an AST Facility Plan, the total number of tanks or piping systems.
- ☐ A request for an exception to any substantive portion of the regulations related to the protection of water quality.
- ☐ A request for an extension to a previously approved plan.
12. Application fees are due and payable at the time the application is filed. If the correct fee is not submitted, the TCEQ is not required to consider the application until the correct fee is submitted. Both the fee and the Edwards Aquifer Fee Form have been sent to the Commission's:
- ☐ TCEQ cashier
- ☐ Austin Regional Office (for projects in Hays, Travis, and Williamson Counties)
- ☒ San Antonio Regional Office (for projects in Bexar, Comal, Kinney, Medina, and Uvalde Counties)
13. ☒ Submit one (1) original and one (1) copy of the application, plus additional copies as needed for each affected incorporated city, groundwater conservation district, and county in which the project will be located. The TCEQ will distribute the additional copies to these jurisdictions. The copies must be submitted to the appropriate regional office.
14. ☒ No person shall commence any regulated activity until the Edwards Aquifer Protection Plan(s) for the activity has been filed with and approved by the Executive Director.

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. This **GENERAL INFORMATION FORM** is hereby submitted for TCEQ review. The application was prepared by:

Greg Senulis

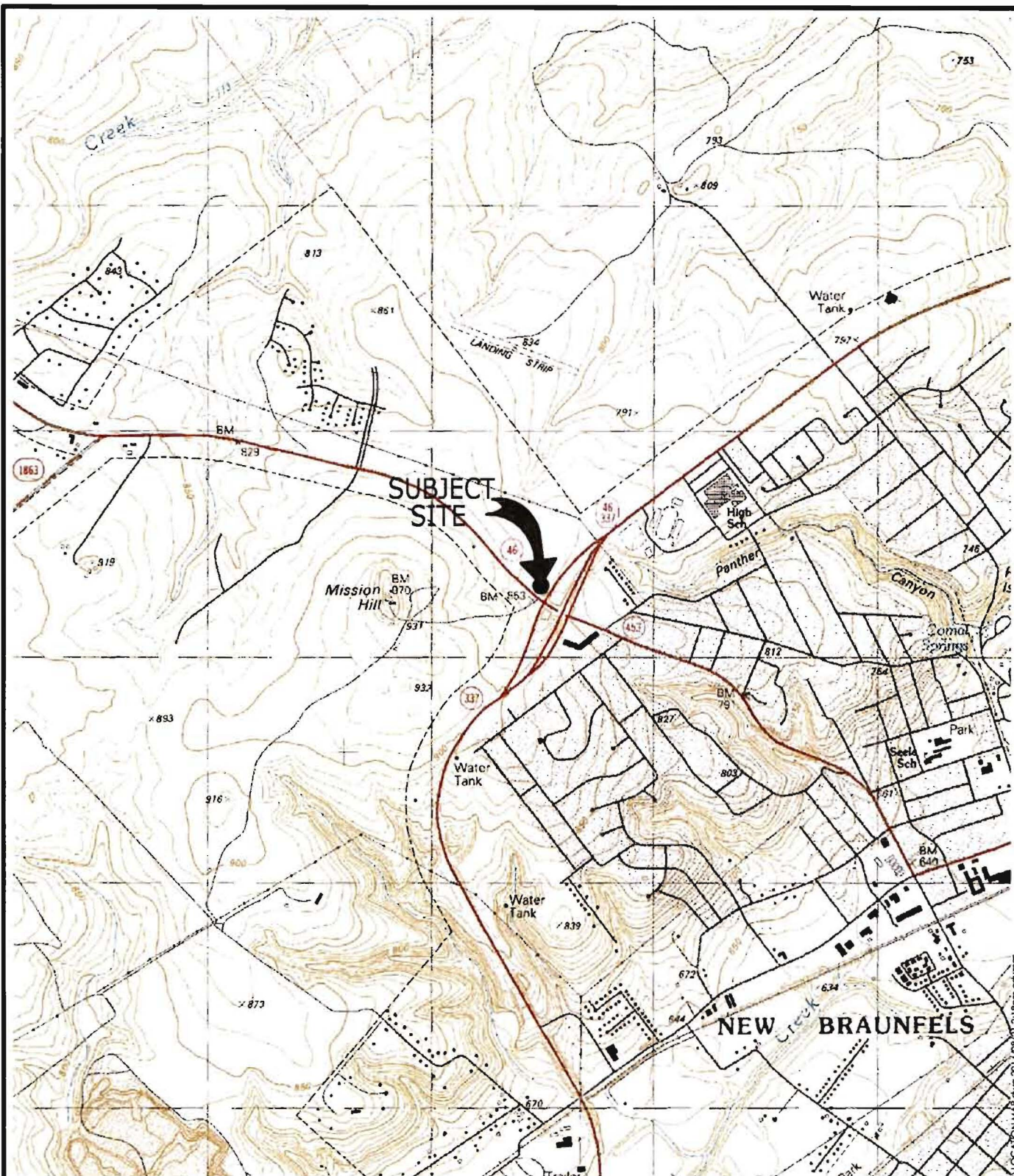
Print Name of Customer/Agent

  
Signature of Customer/Agent

8/15/14  
Date

If you have questions on how to fill out this form or about the Edwards Aquifer protection program, please contact us at 210/490-3096 for projects located in the San Antonio Region or 512/339-2929 for projects located in the Austin Region.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512/239-3282.

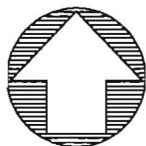


**Moy Tarin Ramirez Engineers, LLC**  
FIRM TBPE NO. F-5297 TBPLS NO. 10131500

12770 CIMARRON PATH, SUITE 100  
SAN ANTONIO, TEXAS 78249

- Engineers
- Surveyors
- Planners

TEL: (210) 698-5051  
FAX: (210) 698-5085



SCALE: 1" = 2000'

### Walgreen's - New Braunfels #3

#### SITE LOCATION EXHIBIT ATTACHMENT "A"

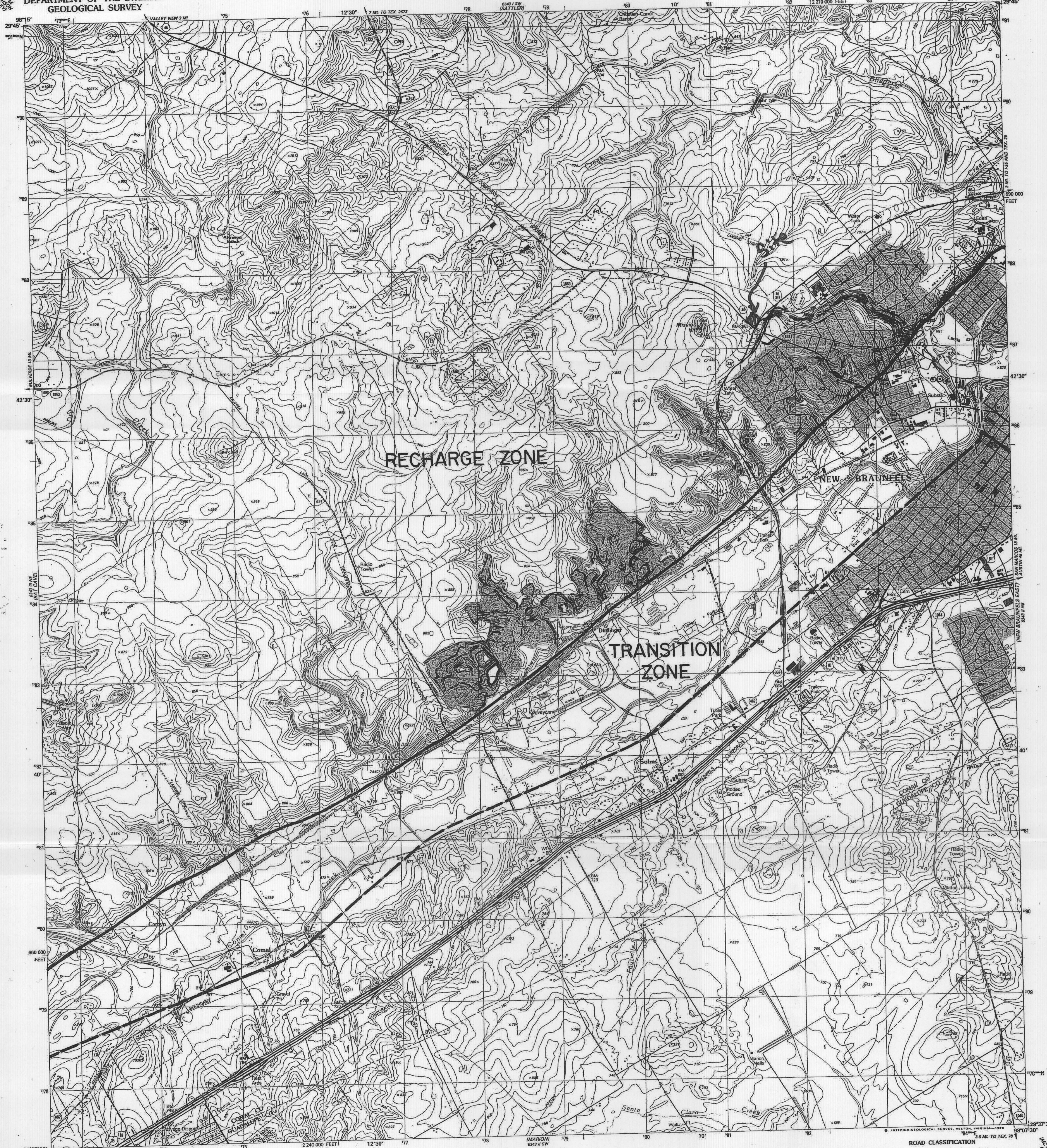
(SOURCE: USGS "New Braunfels West" quadrangle)

DATE: 8/21/14

PROJ. #: 14037.01

NEW BRAUNFELS WEST QUADRANGLE  
TEXAS  
7.5 MINUTE SERIES (TOPOGRAPHIC)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

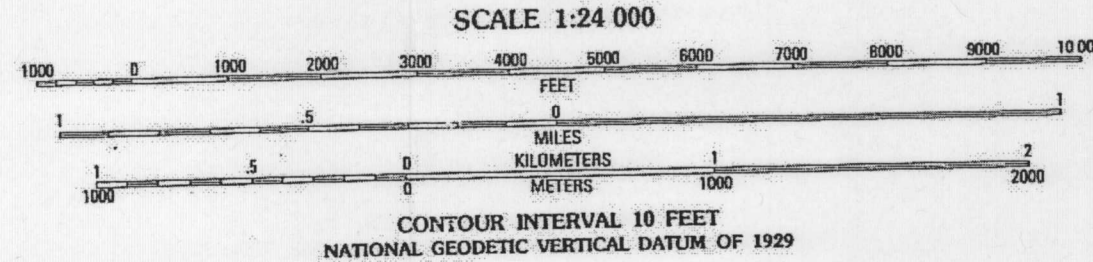


Produced by the United States Geological Survey  
Revised in cooperation with the Texas Water Development Board  
Control by USGS, NOS/NOAA, and USCE

Compiled by the Army Map Service by photogrammetric methods  
from aerial photographs taken 1956. Field checked 1958  
Revised from aerial photographs taken 1986. Field checked 1987  
Map dated 1988

Projection and 10,000-foot grid ticks: Texas coordinate  
system, south central zone (Lambert conformal conic)  
1000-meter Universal Transverse Mercator grid, zone 14  
To place on the predicted North American Datum 1983  
move the projection lines 20 meters south and  
28 meters east as shown by dashed corner ticks  
Fine red dashed lines indicate selected fence and field lines  
generally visible on aerial photographs. This information is unchecked  
as to its accuracy, but such as landmark buildings are shown

UTM GRID AND 1984 MAGNETIC NORTH  
DECLINATION AT CENTER OF MAP  
DIAGRAM IS APPROXIMATE



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

ROAD CLASSIFICATION  
Primary highway, hard surface .....  
Secondary highway, hard surface .....  
Unimproved road .....  
Light-duty road, hard or improved surface .....  
Unimproved road .....  
Interstate Route U. S. Route State Route



SAN ANTONIO

NEW BRAUNFELS WEST, TEX.  
29098-F2-1F-024

1988

DMA 6343 II NW-SERIES 1982

2998-413

TCO-R13

Attachment B

## **ATTACHMENT C**

### **Project Description**

The proposed project is a 3.56-acre commercial site that is located at the northwest corner of the State Hwy. 46 and Loop 337 interchange within the corporate limits of the City of New Braunfels. The project site is located entirely over the Edwards Aquifer Recharge Zone. An existing Walgreen's pharmacy complete with building, parking lot, driveways, pedestrian facilities, landscaping, detention basin and water quality basin is located on the site. The balance of the site is currently undeveloped.

The portion of the site that is currently undeveloped is covered under an existing Water Pollution Abatement Plan (WPAP) and is designated as being a commercial site. At the time of the filing of the original WPAP, a site plan for the undeveloped area was not available, so a condition was placed on the existing WPAP approval to file a modification once the site plan was known.

The undeveloped portion of the 3.56 acre site will be a Wells Fargo bank. The bank site will consist of an approximate 3,500 square foot building, drive through lanes, parking lot, retaining walls and landscape. Storm water runoff from the bank site will be routed to an existing storm sewer system that carries the storm water to the water quality basin.



Drash  
Consulting  
Engineers, Inc.

A Terracon Company

Geotechnical • Construction Materials • Environmental  
Forensic • Electric Transmission & Distribution

September 26, 2005

**SUBJECT**

Geologic Assessment  
Walgreens-New Braunfels #3  
State Highway 46 & Loop 377  
New Braunfels, Texas  
DCE Project N° 90057410

Mr. Michael P. Sepeda  
Moy Civil Engineers  
12770 Cimarron Path, Suite 100  
San Antonio, Texas 78249

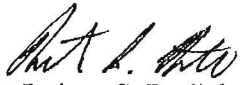
Dear Mr. Sepeda:

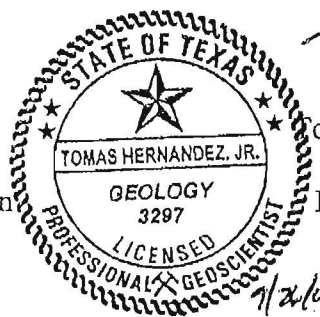
Drash Consulting Engineers, Inc. (DCE) is pleased to submit the enclosed Geologic Assessment conducted at the above referenced site. This Geologic Assessment (GA) reflects the recently promulgated Texas Commission on Environmental Quality (TCEQ) Edwards Aquifer Recharge Zone regulations which became effective September 1, 2003.

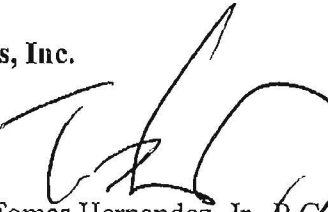
This study was performed in accordance with a verbal agreement between DCE and Moy Civil Engineers. The attached report, as noted therein, has been prepared in accordance with Title 30 of the Texas Administration Code Chapter 213: Permanent Rules for the Edwards Aquifer.

We appreciate the opportunity to perform these services for Moy Civil Engineers. Please contact us if you have questions regarding this information or if we can be of further service.

Very Truly Yours,  
Drash Consulting Engineers, Inc.

  
Robert S. Rethaber  
Geologist  
Environmental Division



  
Tomas Hernandez, Jr., P.G.  
Senior Geologist  
Environmental Division

TH/RR/lno

Copies Submitted: (3) Mr. Michael P. Sepeda, Moy Civil Engineers

**GEOLOGIC ASSESSMENT  
WALGREENS-NEW BRAUNFELS #3  
STATE HIGHWAY 46 & LOOP 377  
AUGUST 26, 2005**

**SITE SPECIFIC GEOLOGIC FEATURE DESCRIPTIONS**

No Manmade Features or Geologic Features were noted on the site. Approximately 75 percent of the site is covered in fill material that ranges from one to seven feet in depth.

**NARRATIVE DESCRIPTIVE OF SITE GEOLOGY**

The site is located in a relatively flat area that has been filled with native cut and fill material. The site is covered in cacti, trees, brush, and weeds. Underlying the soil cover and fill material is the Cyclic and Marine Member of the Person Formation of the Edwards Group.

**SOIL DESCRIPTION**

The site lies on fill material ranging in thickness from one to seven feet in depth. The soil beneath the fill material is Rumple-Comfort association, undulating. This soil consists mostly of stony and cherty clay that is shallow and moderately deep. Surface runoff is medium and permeability is moderately slow to slow.

# STRATIGRAPHIC COLUMN

System	Provincial Series	Group	Formation	Member Or Informal Unit	Thickness (Feet)	Lithology
Cretaceous	Comanchean	Edwards	Person (Kep)	Cyclic and marine member	80-90	Mudstone to packstone; miliolid grainstone; chert
				Leached and collapsed member	70-90	Crystalline limestone; mudstone to grainstone; chert; collapsed breccia
				Regional dense member	20-24	Dense, argillaceous mudstone
			Kainer (Kek)	Grainstone member	50-60	Miliolid grainstone; crystalline limestone chert
				Kirschberg evaporite member	50-60	Highly altered crystalline limestone; chalky mudstone; chert
		Trinity	Glen Rose (Kgr)	Dolomitic member	110-130	Mudstone to grainstone; also crystalline limestone; chert
				Basal nodular member	50-60	Shaly, nodular limestone; mudstone and miliolid grainstone
			Pearsall (Travis peak in outcrop)	Upper part of Glen Rose	350-500	Limestone, dolomite, shale, and marl alternating with beds of carbonates and marls; evaporates and dolomites toward top. Variable bedding thicknesses
				Lower part of Glen Rose	200 - 250	Massive limestone with few thin beds of marl.
				Bexar	300	Limestone and shale
Pre-Cretaceous	Coahuillean	Nuevo Leon and Durango of Mexico	Sligo and Hosston Formations	Cow Creek Limestone member		Limestone and dolomite; grainstone, packstone, and coquinoid beds
				Pine Island Shale member		Argillaceous shale
					800 - 1,500	Limestone, shale, and sandstone
						Slate, phyllite, locally sedimentary rocks in grabens

**Geologic Assessment**  
For Regulated Activities  
on The Edwards Aquifer Recharge/transition Zones  
and Relating to 30 TAC §213.5(b)(3), Effective June 1, 1999

REGULATED ENTITY NAME: Walgreens – New Braunfels #3

TYPE OF PROJECT: ☒ WPAP ☐ AST ☐ SCS ☐ UST

LOCATION OF PROJECT: ☒ Recharge Zone ☐ Transition Zone ☐ Contributing Zone within the Transition Zone

**PROJECT INFORMATION**

1. ☒ Geologic or manmade features are described and evaluated using the attached **GEOLOGIC ASSESSMENT TABLE**.
2. Soil cover on the project site is summarized in the table below and uses the SCS Hydrologic Soil Groups\* (*Urban Hydrology for Small Watersheds, Technical Release No. 55, Appendix A, Soil Conservation Service, 1986*). If there is more than one soil type on the project site, show each soil type on the site Geologic Map or a separate soils map.

Soil Units, Infiltration Characteristics & Thickness		
Soil Name	Group*	Thickness (feet)
Rumple-Comfort association, undulating	D	1.5 - 2

**\* Soil Group Definitions (Abbreviated)**

- A. Soils having a high infiltration rate when thoroughly wetted.
- B. Soils having a moderate infiltration rate when thoroughly wetted.
- C. Soils having a slow infiltration rate when thoroughly wetted.
- D. Soils having a very slow infiltration rate when thoroughly wetted.

3. ☒ A **STRATIGRAPHIC COLUMN** is attached at the end of this form that shows formations, members, and thicknesses. The outcropping unit should be at the top of the stratigraphic column.
4. ☒ A **NARRATIVE DESCRIPTION OF SITE SPECIFIC GEOLOGY** is attached at the end of this form. The description must include a discussion of the potential for fluid movement to the Edwards Aquifer, stratigraphy, structure, and karst characteristics of the site.
5. ☒ Appropriate **SITE GEOLOGIC MAP(S)** are attached:

The Site Geologic Map must be the same scale as the applicant's Site Plan. The minimum scale is 1" = 400'

Applicant's Site Plan Scale                      1" = 30'  
Site Geologic Map Scale                      1" = 30'  
Site Soils Map Scale (if more than 1 soil type)   1" = \_\_\_'

6. Method of collecting positional data:  
☒ Global Positioning System (GPS) technology.  
☐ Other method(s).
7. ☒ The project site is shown and labeled on the Site Geologic Map.

8. X Surface geologic units are shown and labeled on the Site Geologic Map.
9.      Geologic or manmade features were discovered on the project site during the field investigation. They are shown and labeled on the Site Geologic Map and are described in the attached Geologic Assessment Table.
- X Geologic or manmade features were not discovered on the project site during the field investigation.
10. X The Recharge Zone boundary is shown and labeled, if appropriate.
11. All known wells (test holes, water, oil, unplugged, capped and/or abandoned, etc.):
- There are      (#) wells present on the project site and the locations are shown and labeled. (Check all of the following that apply.)
- The wells are not in use and have been properly abandoned.
- The wells are not in use and will be properly abandoned.
- The wells are in use and comply with 16 TAC Chapter 76.
- X There are no wells or test holes of any kind known to exist on the project site.

#### ADMINISTRATIVE INFORMATION

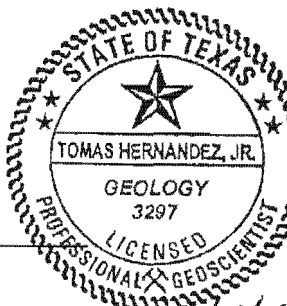
12. X One (1) original and three (3) copies of the completed assessment has been provided.

Date(s) Geologic Assessment was performed: August 26, 2005  
Date(s)

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. My signature certifies that I am qualified as a geologist as defined by 30 TAC Chapter 213.

Tomas Hernandez, Jr., P.G.  
Print Name of Geologist

[Signature]  
Signature of Geologist



210-641-2112  
Telephone

210-641-2124  
Fax

September 26, 2005  
Date

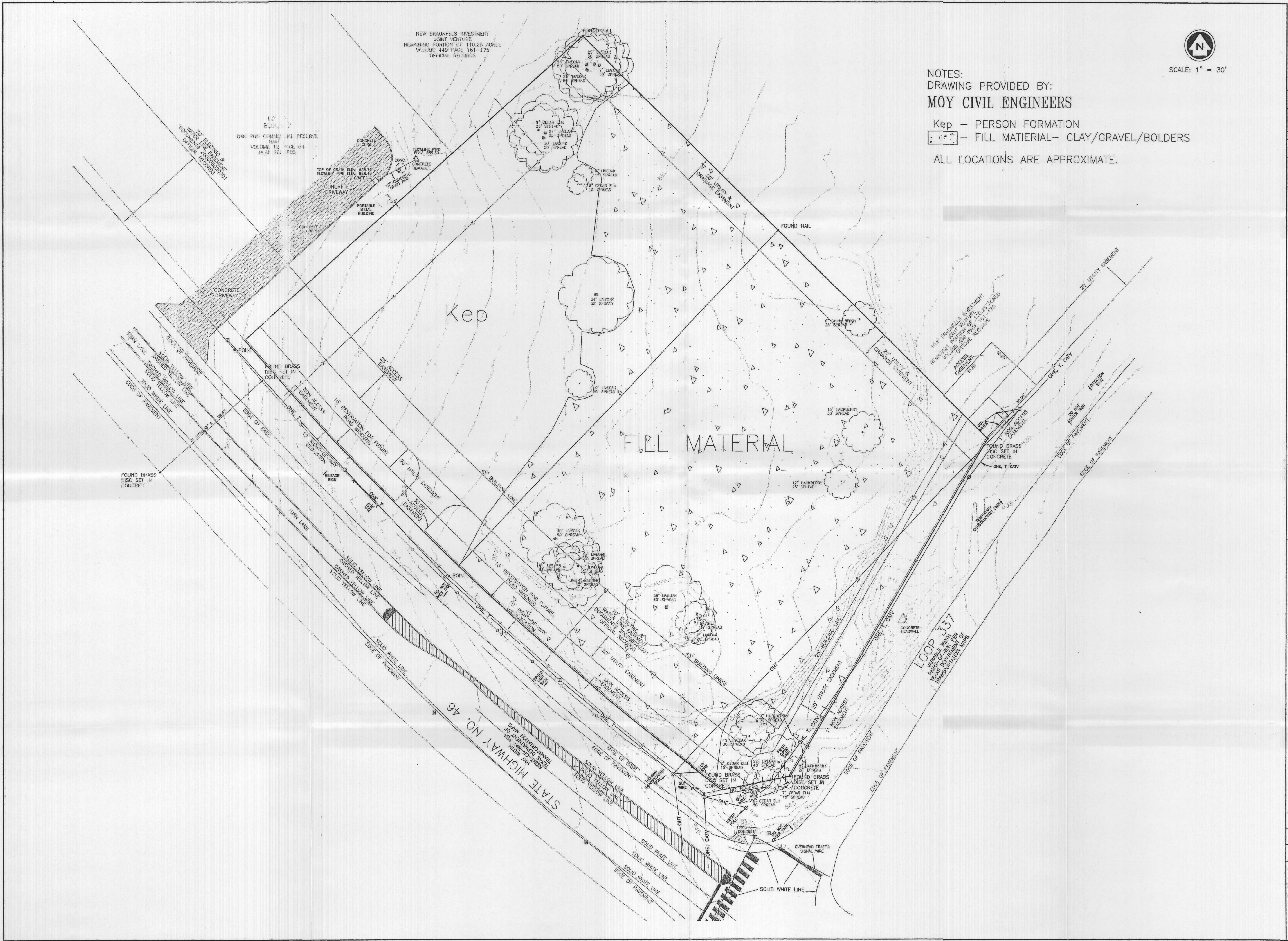
Representing: Drash Consulting Engineers, Inc.  
(Name of Company)

9/26/05

If you have questions on how to fill out this form or about the Edwards Aquifer protection program, please contact us at 210/490-3096 for projects located in the San Antonio Region or 512/339-2929 for projects located in the Austin Region.

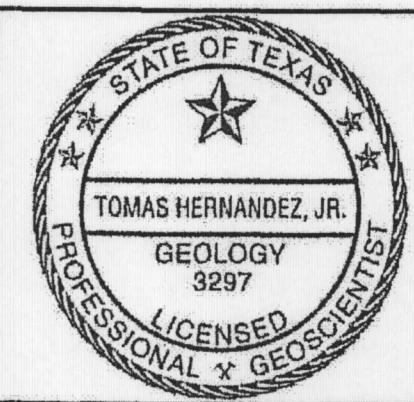
Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512/239-3282.





NOTES:  
DRAWING PROVIDED BY:  
**MOY CIVIL ENGINEERS**  
Kep - PERSON FORMATION  
[Symbol] - FILL MATERIAL- CLAY/GRAVEL/BOLDERS  
ALL LOCATIONS ARE APPROXIMATE.

SCALE: 1" = 30'



REVISIONS		
NO	DATE	DESCRIPTION

**SITE LAYOUT**  
Geological Assessment  
Walgreens - New Braunfels #3  
State Highway 36 & Loop 377  
NEW BRAUNFELS, TEXAS

**Drash Consulting Engineers, Inc.**  
6811 BLANCO ROAD SAN ANTONIO, TEXAS 78216  
PHONE NO. (210) 541-2112 FAX NO. (210) 641-2124

PROJECT NO: 90057410
DATE: 09/22/05
DRAWN BY: DMR
CHECKED BY: TH
SHEET 1
OF 1

TCQ-F-13  
AUG 27 2014  
SAN ANTONIO

**Modification of a Previously Approved Plan**  
for Regulated Activities on the  
Edwards Aquifer Recharge Zone and Transition Zone  
and Relating to 30 TAC 213.4(j), Effective June 1, 1999

1. Current Regulated Entity Name: Walgreen's – New Braunfels #3  
Original Regulated Entity Name: Walgreen's – New Braunfels #3  
Assigned Regulated Entity Numbers (RN): 1) 104785613, 2) \_\_\_\_\_, 3) \_\_\_\_\_
- ☒ The applicant has not changed and the Customer Number (CN) is: CN 602932287  
\_\_\_\_\_ The applicant has changed. A new Core Data Form has been provided.
2. ☒ **Attachment A: Original Approval Letter and Approved Modification Letters:** A copy of the original approval letter and copies any letters approving modification are found at the end of this form.
3. A modification of a previously approved plan is requested for (check all that apply):
- \_\_\_\_\_ 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;
- ☒ 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;
- \_\_\_\_\_ development of land previously identified as undeveloped in the original water pollution abatement plan;
- \_\_\_\_\_ physical modification of the approved organized sewage collection system;
- \_\_\_\_\_ physical modification of the approved underground storage tank system;
- \_\_\_\_\_ physical modification of the approved aboveground storage tank system.
4. Summary of Proposed Modifications (select plan type being modified). If the approved plan has been modified more than once, copy the appropriate table below, as necessary, and complete the information for each additional modification.

WPAP Modification Summary	Approved Project	Proposed Modification
Acres	<u>3.56</u>	<u>3.56</u>
Type of Development	<u>Commercial</u>	<u>Commercial</u>
Number of Residential Lots	<u>N/A</u>	<u>N/A</u>
Impervious Cover (acres)	<u>2.918</u>	<u>2.915</u>
Impervious Cover (%)	<u>81.9%</u>	<u>81.9%</u>
Permanent BMPs	<u>Partial sedimentation and filtration basin</u>	<u>Partial sedimentation and filtration basin</u>
Other	_____	_____

SCS Modification Summary	Approved Project	Proposed Modification
Linear Feet	<u>N/A</u>	<u>N/A</u>
Pipe Diameter	<u>N/A</u>	<u>N/A</u>
Other	<u>N/A</u>	<u>N/A</u>

AST Modification Summary	Approved Project	Proposed Modification
Number of ASTs	<u>N/A</u>	<u>N/A</u>
Volume of ASTs	<u>N/A</u>	<u>N/A</u>
Other	<u>N/A</u>	<u>N/A</u>

## UST Modification Summary

Number of USTs

Volume of USTs

Other

## Approved Project

N/A

N/A

N/A

## Proposed Modification

N/A

N/A

N/A

5. ☒ **Attachment B: Narrative of Proposed Modification.** A narrative description of the nature of the proposed modification is provided at the end of this form. It discusses what was approved, including previous modifications, and how this proposed modification will change the approved plan.
6. ☒ **Attachment C: Current site plan of the approved project.** A current site plan showing the existing site development (i.e., current site layout) at the time this application for modification is provided at the end of this form. A site plan detailing the changes proposed in the submitted modification is required elsewhere.
- The approved construction has not commenced. The original approval letter, and any subsequent modification approval letters are included as Attachment A to document that the approval has not expired.
- ☒ The approved construction has commenced and has been completed. Attachment C illustrates that the site was constructed as approved.
- The approved construction has commenced and has been completed. Attachment C illustrates that the site was **not** constructed as approved.
- The approved construction has commenced and has **not** been completed. Attachment C illustrates that, thus far, the site was constructed as approved.
- The approved construction has commenced and has **not** been completed. Attachment C illustrates that, thus far, the site was **not** constructed as approved.
7. — The acreage of the approved plan has increased. A Geologic Assessment has been provided for the new acreage.
- ☒ Acreage has not been added to **or** removed from the approved plan.
8. ☒ Submit one (1) original and one (1) copy of the application, plus additional copies as needed for each affected incorporated city, groundwater conservation district, and county in which the project will be located. The TCEQ will distribute the additional copies to these jurisdictions. The copies must be submitted to the appropriate regional office.

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. This request for a **MODIFICATION TO A PREVIOUSLY APPROVED PLAN** is hereby submitted for TCEQ review and executive director approval. The request was prepared by:

Greg Senulis

Print Name of Customer/Agent



Signature of Customer/Agent

TCEQ-0590 (Rev. 10-01-10)

8/15/14

Date

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



ATTACHMENT A

RECEIVED FEB 16 2006

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 14, 2006

Mr. Richard Wade  
Loop 337 Partners L.P. (Lot 1) & Loop 337 Partners Landhold, L.P. (Lot 3)  
12950 Country Parkway, Suite 100  
San Antonio, Texas 78216

Re: Edwards Aquifer, Comal County  
NAME OF PROJECT: Walgreens – New Braunfels #3; Located on the northwest corner of Loop 337 and SH 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 ID No. 2422.00, Investigation No. 436186, Regulated Entity No. RN104785613

Dear Mr. Wade:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP application for the referenced project submitted to the San Antonio Regional Office by Moy Civil Engineers on behalf of Loop 337 Partners L.P. (Lot 1) & Loop 337 Partners Landhold, L.P. (Lot 3) on October 24, 2005. Final review of the WPAP submittal was completed after additional material was received on November 17, 2005, and February 8, 2006. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed, and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer's concurrence of compliance, the planning materials for construction of the proposed project and pollution abatement measures are hereby approved subject to applicable state rules and the conditions in this letter. The applicant or a person affected may file with the chief clerk a motion for reconsideration of the executive director's final action on this Edwards Aquifer protection plan. A motion for reconsideration must be filed no later than 23 days after the date of this approval letter. *This approval expires two (2) years from the date of this letter unless, prior to the expiration date, more than 10 percent of the construction has commenced on the project or an extension of time has been requested.*

### PROJECT DESCRIPTION

The proposed commercial project will have an area of approximately 3.56 acres. It will include one pharmacy store, associated parking, and a detention basin. Approximately half of the 3.56 acre site, labeled as "Future Commercial Development," has no development plan at this time. The total impervious cover will be 2.918 acres (81.9 percent). Project wastewater will be disposed of by conveyance to the existing ---- Sewage Treatment Plant owned by the New Braunfels Utilities.

### PERMANENT POLLUTION ABATEMENT MEASURES

A partial sedimentation/filtration basin will be constructed to treat stormwater runoff. It is designed in accordance with the 1999 edition of the TNRCC's "Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices," to treat 2,352 pounds of TSS, and is sized to capture the first 0.94 inches of stormwater run-off from 3.56 acres, providing a total capture volume of 14,593 cubic feet. The filtration system will consist of:

1. 1,183 square feet of sand, which is 18 inches thick,
2. an underdrain piping covered with geotextile membrane, and
3. an impervious liner.

The proposed measures are 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, there are no geologic or manmade features located on the project site. However, approximately 75% of the site is covered with fill material that ranges from one to seven feet in depth. The San Antonio Regional Office did not conduct a site investigation.

### SPECIAL CONDITIONS

- I. Pursuant to 30 TAC 213.4(j)(3), a modification to the approved WPAP is required for any development of land previously identified as undeveloped in the original water pollution abatement plan. Therefore, prior to the commencing any regulated activity on or within the area identified on the Walgreens – New Braunfels #3 site plan as "future commercial development" TCEQ approval and appropriate application fees are required.
- II. Since approximately 75% of the site is covered with fill material that ranges from one to seven feet in depth, all trenches, building sites and any excavation shall be assessed for sensitive geologic features by a Texas licensed professional geoscientist after removal of soils or fill materials and before any compaction or placement of any bedding or backfill. The geoscientist's assessment shall include a location map of all excavations, and comments for each excavation. The assessment shall be submitted to the TCEQ within 30 days of completion of each field assessment. For any sensitive features found, a protection plan per Standard Condition #9 below shall be required.
- III. No regulated quantities of hydrocarbons or hazardous substances shall be stored on the site.
- IV. With the exception of the maintenance ramp, the partial sedimentation/filtration basin is designed in accordance with the 1999 edition of the TCEQ's "Complying with the

Edwards Aquifer Rules: Technical Guidance on Best Management Practices." The basins will incorporate sedimentation and filtration as described above.

- V. The operation and maintenance plan signed on February 8, 2006, by the applicant, Mr. Richard Wade, acknowledges that basin maintenance will be performed without the benefit of a maintenance ramp. The reason given that the design was not met is that sufficient storage volume would not be available if a concrete ramp was placed inside the basin.
- VI. *For any basin designed in accordance with the TCEQ's 2005 guidance manual (RG-348), maintenance access shall not be compromised due to lack of adequate planning.*
- VII. All sediment and or media removed from the partial sedimentation/filtration basins during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335, as applicable.
- VIII. All permanent pollution abatement measures shall be operational prior to commencement of commercial operation.
- IX. Intentional discharges of sediment laden stormwater during construction are not allowed. If dewatering of excavated areas becomes necessary, the discharge will be filtered through appropriately selected temporary best management practices. These may include vegetative filter strips, sediment traps, rock berms, silt fence rings, etc.

#### STANDARD CONDITIONS

1. Pursuant to Chapter 7 Subchapter C of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.

#### 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, TCEQ-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 program ID 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 TCEQ may monitor stormwater discharges from the site to evaluate the adequacy of temporary E&S control measures. Additional controls may be necessary if excessive solids are being discharged from the site.
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 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 (TCEQ-10263) is enclosed.
16. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved 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.
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

Mr. Richard Wade  
February 14, 2006  
Page 6

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 John Mauser of the Edwards Aquifer Protection Program of the San Antonio Regional Office at 210/403-4024.

Sincerely,



*for* Glenn Shankle  
Executive Director  
Texas Commission on Environmental Quality

GS/JKM/eg

Enclosures: Deed Recordation Affidavit, TCEQ-0625  
Change in Responsibility for Maintenance on Permanent BMPs, TCEQ-10263

fc/cc: Mr. Michael Sepeda, P.E., Moy Civil Engineers  
Mr. Michael Short, City of New Braunfels  
Mr. Tom Hornseth, Comal County  
Mr. Robert J. Potts, Edwards Aquifer Authority  
TCEQ Central Records

**ATTACHMENT B**  
**Modification Narrative**

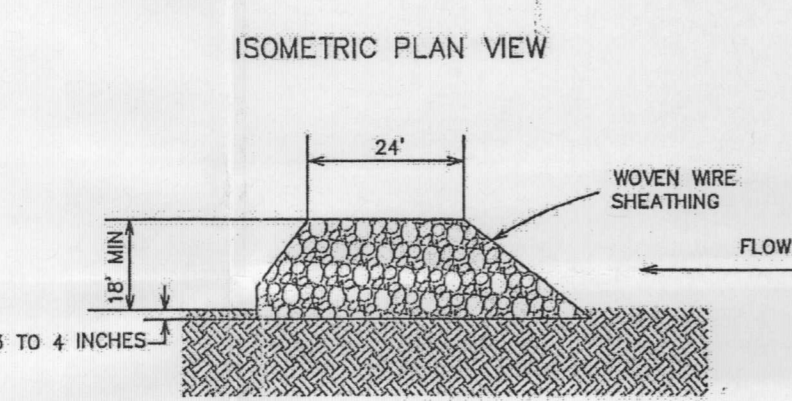
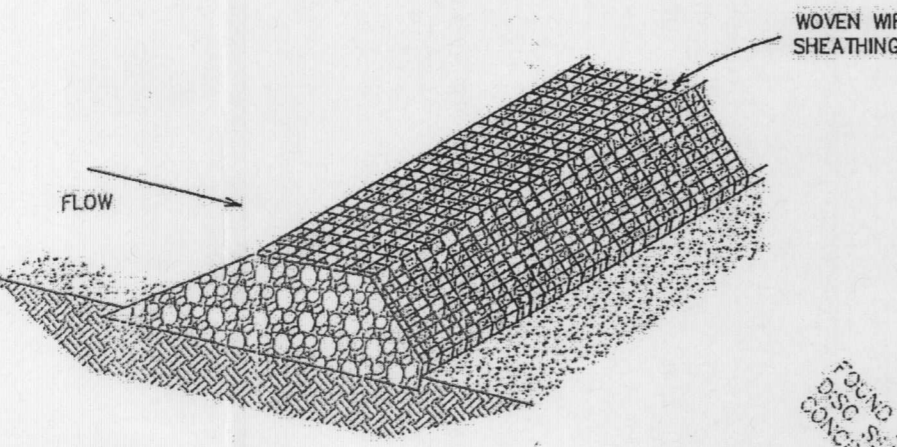
This request for a modification to the existing Water Pollution Abatement Plan (WPAP) is being submitted to update the site plan as called for in the conditions of the existing approval of the Walgreen's – New Braunfels #3 WPAP. The original site plan shows the existing Walgreen's site and a generic commercial area for the balance of the site. This modification provides a detailed site plan in place of the generic commercial area called out in the original WPAP.

KEYNOTES

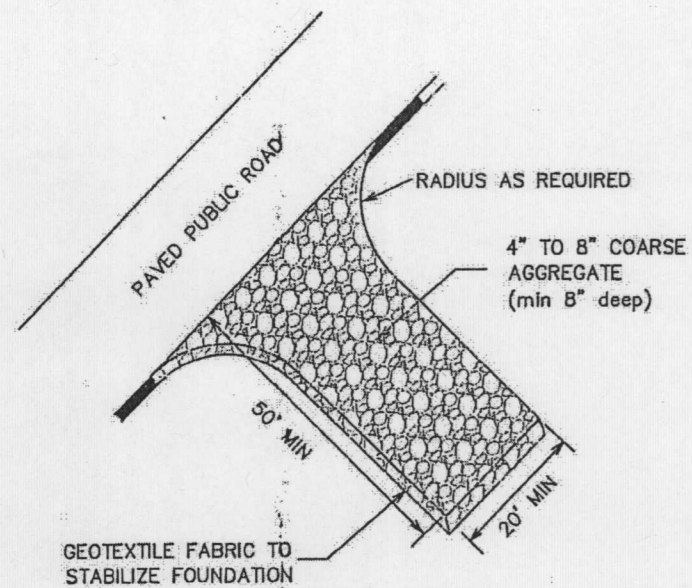
- 1 TEMPORARY CONSTRUCTION ENTRANCE / EXIT
- 2 BAGGED GRAVEL INLET FILTER
- 3 SILT FENCE
- 4 ROCK BERM

LEGEND

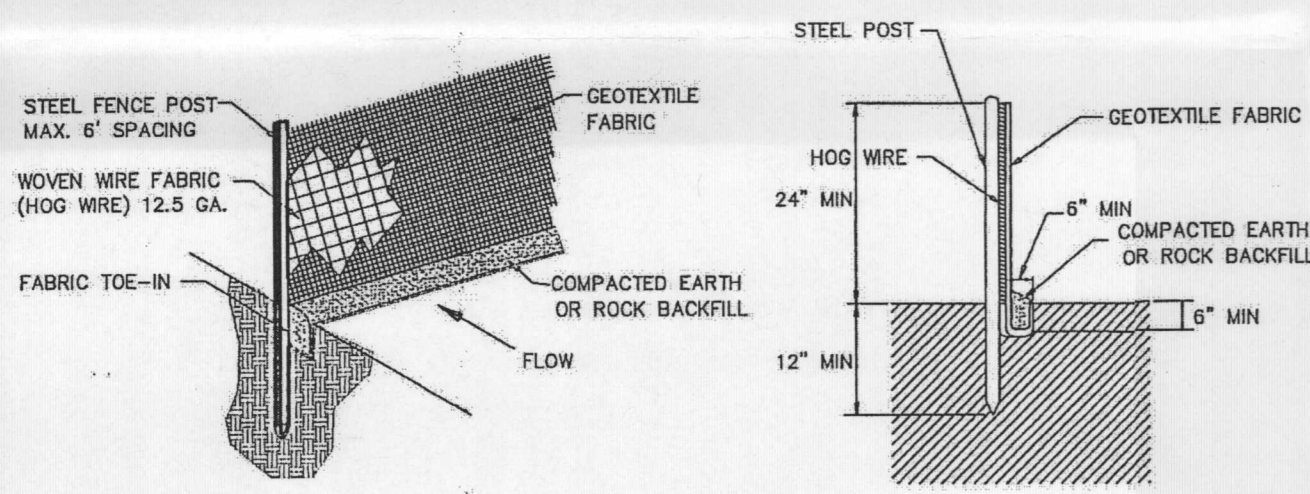
- EXISTING CONTOURS ---900---
- PROPERTY LINE ---
- SILT FENCE ---
- PROPOSED CONTOURS ---900---
- BAGGED GRAVEL INLET FILTER ---
- STABILIZED CONSTRUCTION EXIT ---
- ROCK BERM ---
- ITEM NUMBER 1



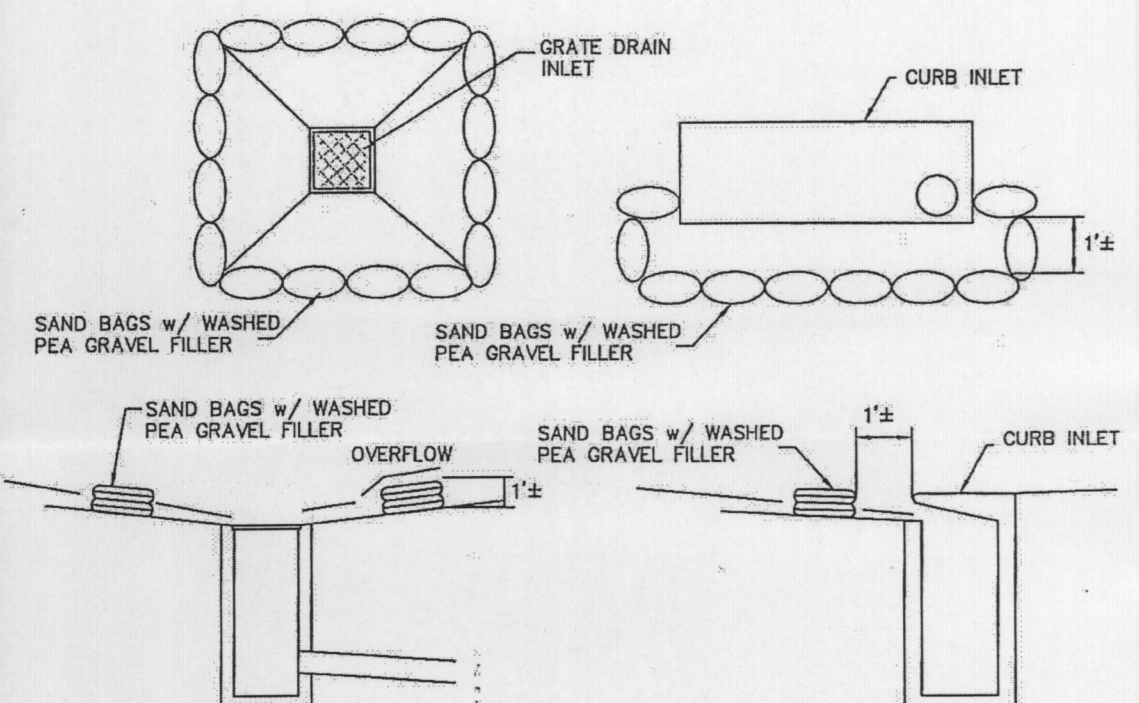
ROCK BERM  
N.T.S.



TEMPORARY CONSTRUCTION ENTRANCE/EXIT  
N.T.S.



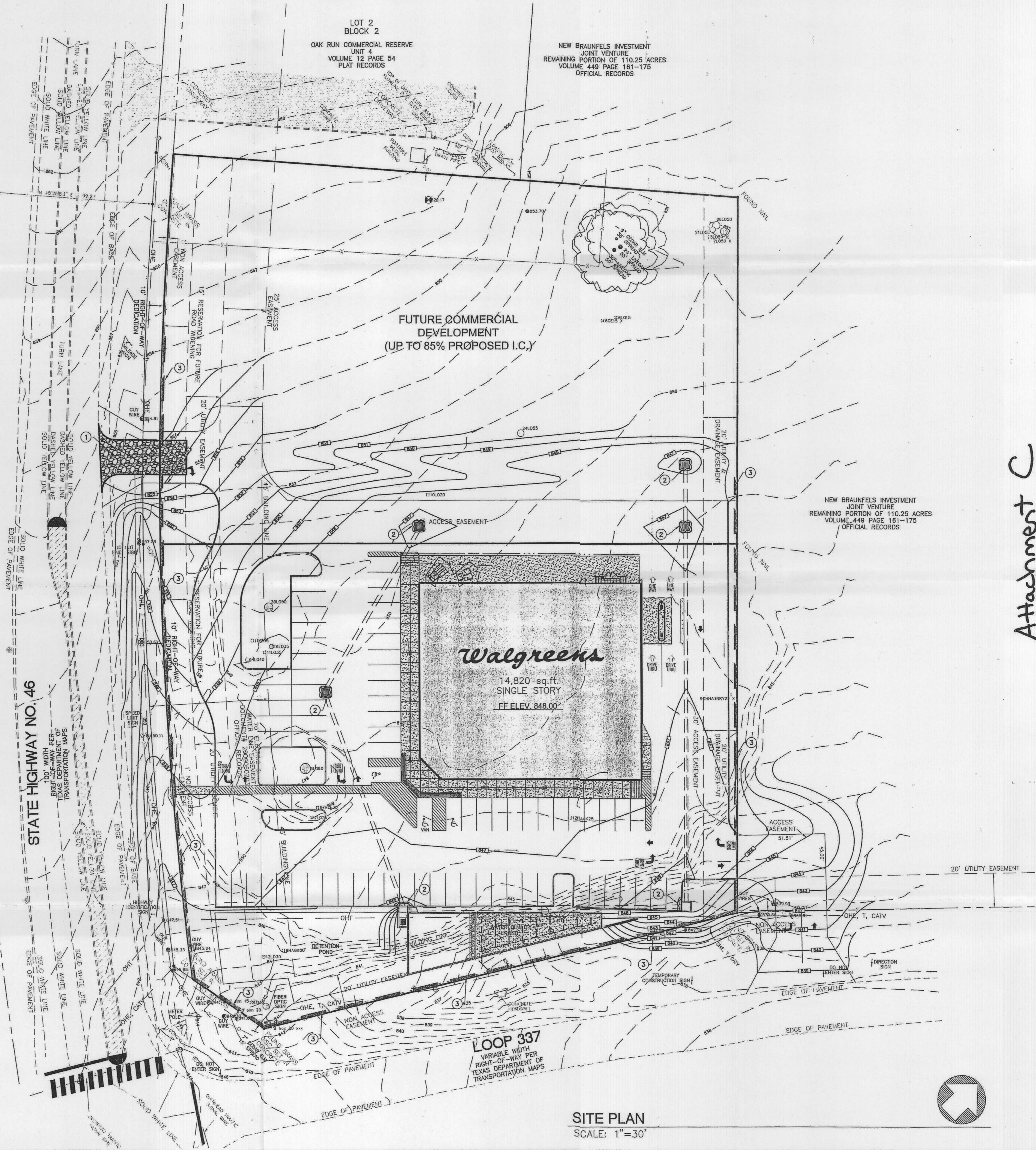
SILT FENCE  
N.T.S.



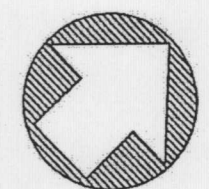
BAGGED GRAVEL INLET FILTER  
N.T.S.

GENERAL NOTES

SOIL DISTURBANCES WILL OCCUR OVER ENTIRE SITE.  
LOCATIONS OF MAJOR STRUCTURAL AND NONSTRUCTURAL CONTROLS ARE LABELED.  
THESE ARE THE TEMPORARY AND PERMANENT BEST MANAGEMENT PRACTICES.  
SOIL STABILIZATION PRACTICES SHALL COVER OVER THE ENTIRE SITE WITH THE USE OF PAVEMENT, BUILDINGS, SIDEWALKS, GRASS SOD, GRASS SEEDING AND MULCH.  
THERE ARE NO LOCATIONS WHERE STORMWATER DISCHARGES TO SURFACE WATER.  
ALL STORMWATER DISCHARGE TO SENSITIVE FEATURES SHALL BE COVERED WITH GRASS SOD.



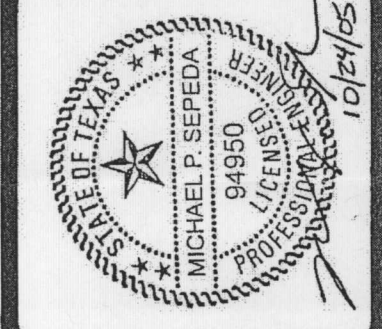
SITE PLAN  
SCALE: 1"=30'



Attachment C

NO.	DATE	REVISIONS	DESCRIPTION	BY	DATE

**MOY CIVIL ENGINEERS**  
12770 CIMARRON PATH, SUITE 100  
SAN ANTONIO, TEXAS 78249  
TEL: (210) 688-0051  
FAX: (210) 688-0055



WALGREENS (NEW BRAUNFELS #3)  
WPAP SITE PLAN  
CONSTRUCTION PLANS

**Water Pollution Abatement Plan Application**  
for Regulated Activities  
on the Edwards Aquifer Recharge Zone  
and Relating to 30 TAC §213.5(b), Effective June 1, 1999

REGULATED ENTITY NAME: Walgreen's – New Braunfels #3

**REGULATED ENTITY INFORMATION**

1. The type of project is:  
— Residential: # of Lots: \_\_\_\_\_  
— Residential: # of Living Unit Equivalents: \_\_\_\_\_  
X Commercial  
— Industrial  
— Other: \_\_\_\_\_
2. Total site acreage (size of property): 3.56
3. Projected population: 20-30
4. The amount and type of impervious cover expected after construction are shown below:

Impervious Cover of Proposed Project	Sq. Ft.	Sq. Ft./Acre	Acres
Structures/Rooftops	18,281	÷ 43,560 =	0.420
Parking	90,047	÷ 43,560 =	2.067
Other paved surfaces	18,637	÷ 43,560 =	0.428
Total Impervious Cover	126,708	÷ 43,560 =	2.915
Total Impervious Cover ÷ Total Acreage x 100 =			81.9%

5. X **ATTACHMENT A - Factors Affecting Water Quality.** A description of any factors that could affect surface water and groundwater quality is provided at the end of this form.
6. X Only inert materials as defined by 30 TAC §330.2 will be used as fill material.

**FOR ROAD PROJECTS ONLY**

Complete questions 7-12 if this application is exclusively for a road project.

7. Type of project:  
— TXDOT road project.  
— County road or roads built to county specifications.  
— City thoroughfare or roads to be dedicated to a municipality.  
— Street or road providing access to private driveways.
8. Type of pavement or road surface to be used:  
— Concrete  
— Asphaltic concrete pavement  
— Other: \_\_\_\_\_

9. Length of Right of Way (R.O.W.): \_\_\_\_\_ feet.  
 Width of R.O.W.: \_\_\_\_\_ feet.  
 $L \times W = \text{_____ Ft}^2 \div 43,560 \text{ Ft}^2/\text{Acre} = \text{_____ acres.}$
10. Length of pavement area: \_\_\_\_\_ feet.  
 Width of pavement area: \_\_\_\_\_ feet.  
 $L \times W = \text{_____ Ft}^2 \div 43,560 \text{ Ft}^2/\text{Acre} = \text{_____ acres.}$   
 Pavement area \_\_\_\_\_ acres  $\div$  R.O.W. area \_\_\_\_\_ acres  $\times 100 = \text{_____ \%}$  impervious cover.
11. \_\_\_\_\_ A rest stop will be included in this project.  
 \_\_\_\_\_ A rest stop will **not** be included in this project.
12. \_\_\_\_\_ Maintenance and repair of existing roadways that do not require approval from the TCEQ Executive Director. Modifications to existing roadways such as widening roads/adding shoulders totaling more than one-half (1/2) the width of one (1) existing lane require prior approval from the TCEQ.

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

13. X **ATTACHMENT B - Volume and Character of Stormwater.** A description of the volume and character (quality) of the stormwater runoff which is expected to occur from the proposed project is provided at the end of this form. The estimates of stormwater runoff quality and quantity should be based on area and type of impervious cover. Include the runoff coefficient of the site for both pre-construction and post-construction conditions.

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

14. The character and volume of wastewater is shown below:
- |                               |                         |
|-------------------------------|-------------------------|
| 100% Domestic                 | <u>2500</u> gallons/day |
| ____ % Industrial             | _____ gallons/day       |
| ____ % Commingled             | _____ gallons/day       |
| TOTAL <u>2500</u> gallons/day |                         |
15. Wastewater will be disposed of by:
- \_\_\_\_\_ **On-Site Sewage Facility (OSSF/Septic Tank):**
- \_\_\_\_\_ **ATTACHMENT C - Suitability Letter from Authorized Agent.** An on-site sewage facility will be used to treat and dispose of the wastewater. The appropriate licensing authority's (authorized agent) written approval is provided at the end of this form. It states that the land is suitable for the use of an on-site sewage facility or identifies areas that are not suitable.
- \_\_\_\_\_ Each lot in this project/development is at least one (1) acre (43,560 square feet) in size. The system will be designed by a licensed professional engineer or registered sanitarian and installed by a licensed installer in compliance with 30 TAC Chapter 285.
- X Sewage Collection System (Sewer Lines):
- X Private service laterals from the wastewater generating facilities will be connected to an existing SCS.
- \_\_\_\_\_ Private service laterals from the wastewater generating facilities will be connected to a proposed SCS.
- \_\_\_\_\_ The SCS was previously submitted on \_\_\_\_\_.

- ☐ The SCS was submitted with this application.  
☐ The SCS will be submitted at a later date. The owner is aware that the SCS may not be installed prior to Executive Director approval.

The sewage collection system will convey the wastewater to the North Kuehler Treatment Plant. The treatment facility is:

- ☒ existing.  
☐ proposed.

16. ☒ All private service laterals will be inspected as required in 30 TAC §213.5.

#### SITE PLAN REQUIREMENTS

Items 17 through 27 must be included on the Site Plan.

17. The Site Plan must have a minimum scale of 1" = 400'.  
Site Plan Scale: 1" = 30'.

18. 100-year floodplain boundaries  
☐ Some part(s) of the project site is located within the 100-year floodplain. The floodplain is shown and labeled.  
☒ No part of the project site is located within the 100-year floodplain.

The 100-year floodplain boundaries are based on the following specific (including date of material) sources(s):

FEMA – Firm, Comal County Texas and Incorporated Areas, Map No. 48091C0455F effective date September 2, 2009.

19. ☒ The layout of the development is shown with existing and finished contours at appropriate, but not greater than ten-foot contour intervals. Show lots, recreation centers, buildings, roads, etc.  
☐ The layout of the development is shown with existing contours. Finished topographic contours will not differ from the existing topographic configuration and are not shown.
20. All known wells (oil, water, unplugged, capped and/or abandoned, test holes, etc.):  
☒ There are 0 wells present on the project site and the locations are shown and labeled. (Check all of the following that apply)  
☐ The wells are not in use and have been properly abandoned.  
☐ The wells are not in use and will be properly abandoned.  
☐ The wells are in use and comply with 16 TAC §76.  
☒ There are no wells or test holes of any kind known to exist on the project site.

21. Geologic or manmade features which are on the site:  
☐ All **sensitive** geologic or manmade features identified in the Geologic Assessment are shown and labeled.  
☐ No **sensitive** geologic or manmade features were identified in the Geologic Assessment.  
☒ **ATTACHMENT D - Exception to the Required Geologic Assessment.** An exception to the Geologic Assessment requirement is requested and explained at the end of this form.

22. ☒ The drainage patterns and approximate slopes anticipated after major grading activities.

23. ☒ Areas of soil disturbance and areas which will not be disturbed.

24. X Locations of major structural and nonstructural controls. These are the temporary and permanent best management practices.
25. X Locations where soil stabilization practices are expected to occur.
26. N/A Surface waters (including wetlands).
27. X Locations where stormwater discharges to surface water or sensitive features.  
There will be no discharges to surface water or sensitive features.

#### ADMINISTRATIVE INFORMATION

28. X Submit one (1) original and one (1) copy of the application, plus additional copies as needed for each affected incorporated city, groundwater conservation district, and county in which the project will be located. The TCEQ will distribute the additional copies to these jurisdictions. The copies must be submitted to the appropriate regional office.
29. X Any modification of this WPAP will require Executive Director approval, prior to construction, and may require submission of a revised application, with appropriate fees.

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. This **WATER POLLUTION ABATEMENT PLAN APPLICATION FORM** is hereby submitted for TCEQ review and Executive Director approval. The form was prepared by:

Greg Senulis

Print Name of Customer/Agent

  
Signature of Customer/Agent

8/15/14  
Date

**ATTACHMENT A**  
**Factors Affecting Water Quality**

The ultimate land use of this project is to be a pharmacy and bank with associated parking and driveways. Landscaping, vehicular traffic, and various construction activities may affect the quality of stormwater originating on the proposed site. These factors may cause small amounts of oil, grease, suspended solids, fertilizers, and pesticides to enter into the stormwater runoff. Existing, approved permanent BMPs at the site and temporary BMP's as identified in the Technical Guidance Manual are provided to treat the storm water runoff as to not adversely affect water quality entering into any surface water or groundwater.

**ATTACHMENT B**  
**Volume and Character of Storm Water**

Storm water runoff generated from rooftops, parking lots, sidewalks, and landscape areas for both the Walgreens and Wells Fargo will be of a commercial nature and may be impregnated with small amounts of oil, grease, suspended solids, fertilizers and pesticides. Storm water discharge rates will not be increased from the pre-development rates due to an existing storm water detention pond. A portion of the storm water runoff will be detained within the water quality pond with the remaining portion being conveyed into the detention pond to control the flow increases from the proposed development. Existing, approved permanent BMPs at the site and temporary BMP's as identified in the Technical Guidance Manual are provided to treat the storm water runoff as to not adversely affect water quality entering into any surface water or groundwater.

**Recharge And Transition Zone**  
Exception Request Form  
30 TAC §213.9 Effective June 1, 1999

Regulated Entity Name: Walgreen's - New Braunfels #3

1. X **ATTACHMENT A - Nature of Exception.** A narrative description of the nature of each exception requested is provided as **ATTACHMENT A** at the end of this form. All provisions of 30 TAC §213 Subchapter A for which an exception is being requested have been identified in the description.
2. X **ATTACHMENT B - Documentation of Equivalent Water Quality Protection.** Documentation demonstrating equivalent water quality protection for the Edwards Aquifer is provided as **ATTACHMENT B** at the end of this form.

**ADMINISTRATIVE INFORMATION**

3. X Submit one (1) original and one (1) copy of the application, plus additional copies as needed for each affected incorporated city, groundwater conservation district, and county in which the project will be located. The TCEQ will distribute the additional copies to these jurisdictions. The copies must be submitted to the appropriate regional office.
4. X The applicant understands that no exception will be granted for a prohibited activity in Chapter 213.
5. X The applicant understands that prior approval under this section must be obtained from the executive director for the exception to be authorized.

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. This **RECHARGE AND TRANSITION ZONE EXCEPTION REQUEST FORM** application is hereby submitted for TCEQ review and executive director approval. The request was prepared by:

Chris Dumas  
Print Name of Customer/Agent

  
Signature of Customer/Agent

8/15/14  
Date



- Engineers
- Surveyors
- Planners

**Moy Tarin Ramirez Engineers, LLC**

August 15, 2014

TCEQ Environmental Investigator  
Texas Commission on Environmental Quality  
14250 Judson Rd.  
San Antonio, TX 78233-4480

RE: Walgreen's – New Braunfels #3  
Water Pollution Abatement Plan (WPAP) Modification  
WPAP Application Attachment D – Exception to Required Geologic Assessment  
Exception Request Form Attachments A & B

Dear TCEQ Representative:

On behalf of the Owner, Moy Tarin Ramirez Engineers, LLC is providing this written request for an exception to the geologic assessment requirement for this WPAP modification.

A geologic assessment was performed on this property in September of 2005 in conjunction with a WPAP approved by TNRCC / TCEQ in February of 2006. This geologic assessment did not identify any features on the site.

The property owner has developed this property as a commercial site which includes a building and pavement that covers approximately half the site. The existing building and pavement appear to have been installed per the original WPAP plan.

No features were identified in the original geologic assessment. As a portion of the property has been developed, some manmade features are present. Manmade features on site include sanitary sewer manholes, sanitary sewer cleanouts, storm sewer structures, light and sign poles. None of the manmade features appear to be located within pervious depressions where storm water can accumulate and cannot be considered sensitive. The manmade features have been identified and transposed onto the original geologic site assessment map and new WPAP site map to identify their location within the site. The original geologic assessment is also included in this application.

We respectfully request that an exception to providing a new geologic assessment for this fully developed property be approved. Maps of the existing manmade features on site and original geologic assessment are provided herein in lieu of a new geologic assessment. Thank you for your consideration. Should there be any questions, please contact our office.

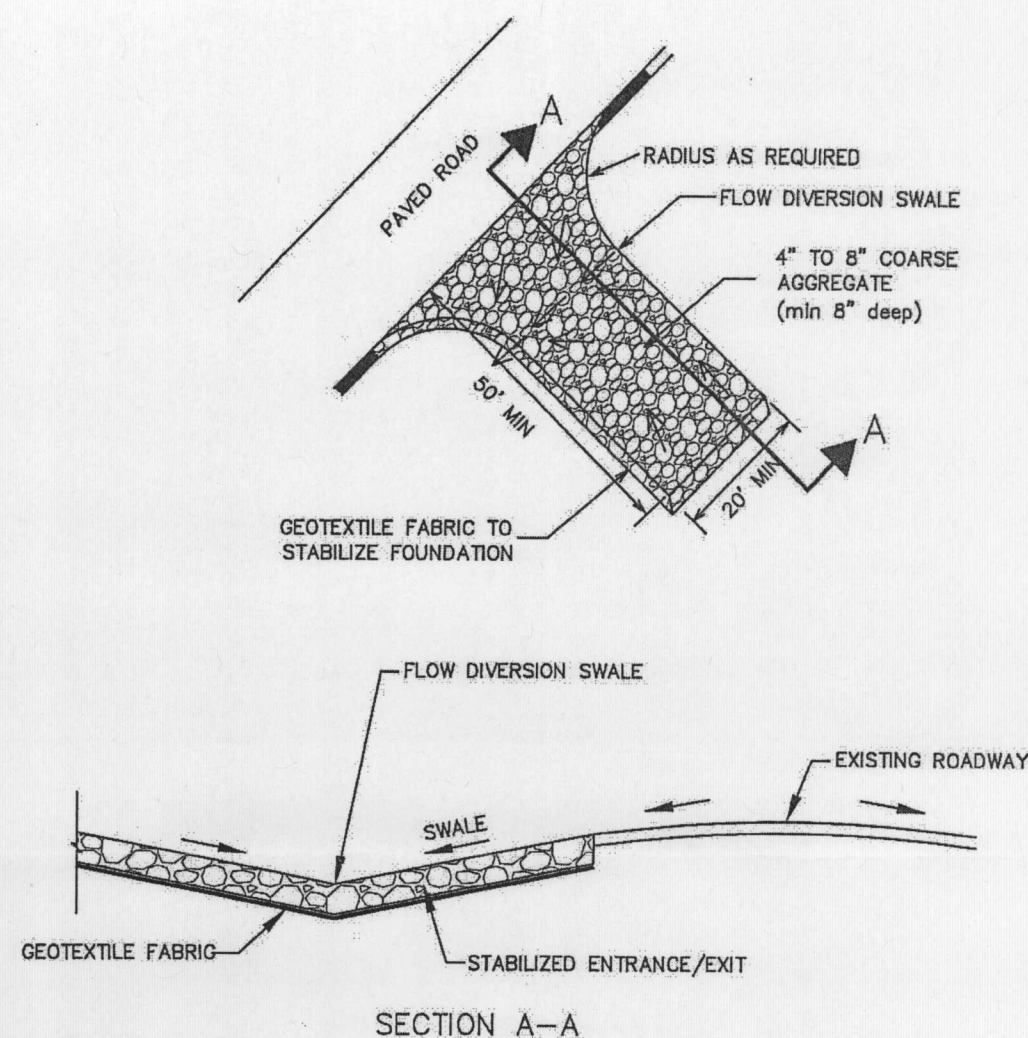
Sincerely,

A handwritten signature in black ink, appearing to read "CD", with a stylized flourish at the end.

Chris Dumas, P.E.

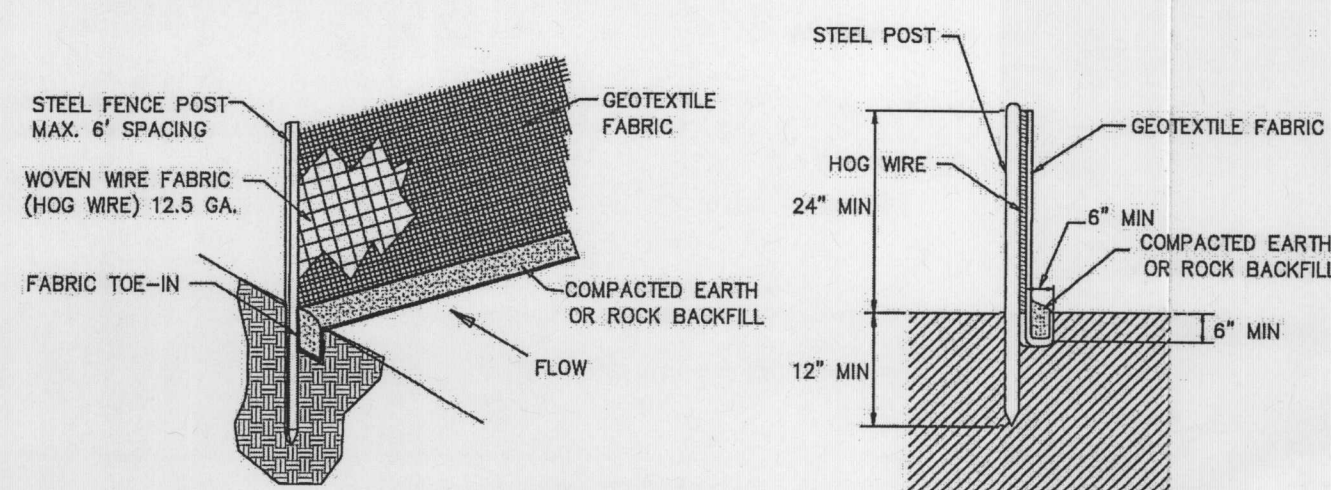
Enclosures





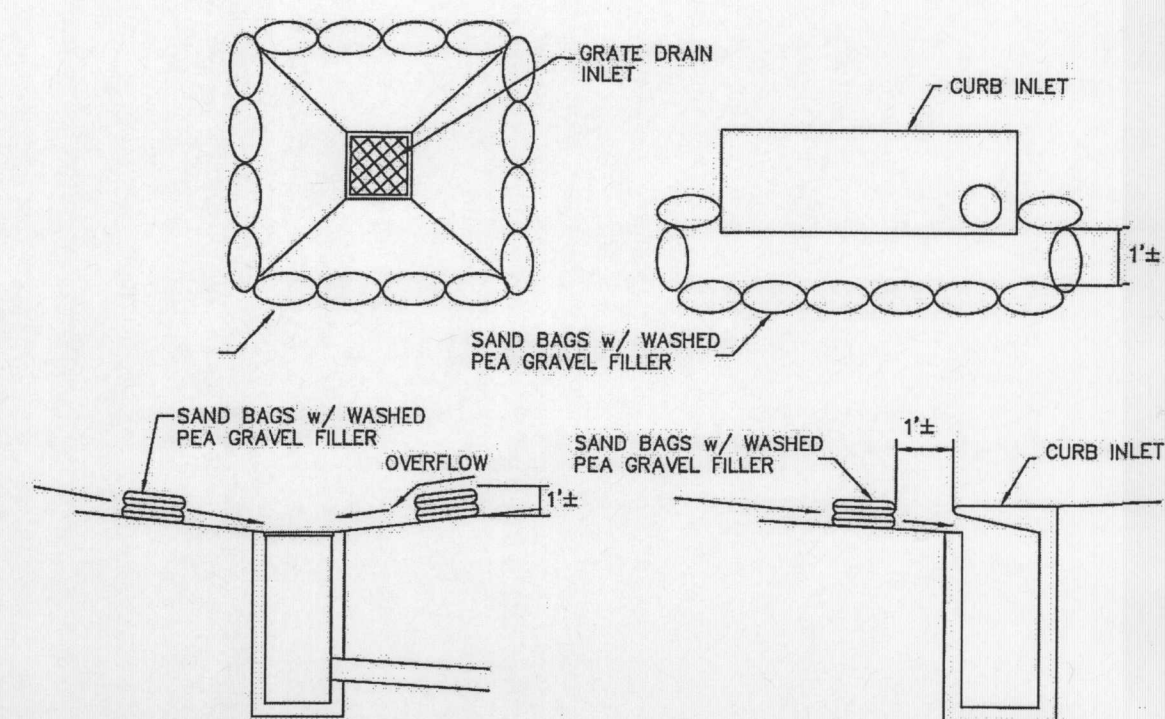
## 1 STABILIZED CONSTRUCTION ENTRANCE / EXIT

SCALE: NONE



## 2 SILT FENCE DETAIL

SCALE: NONE

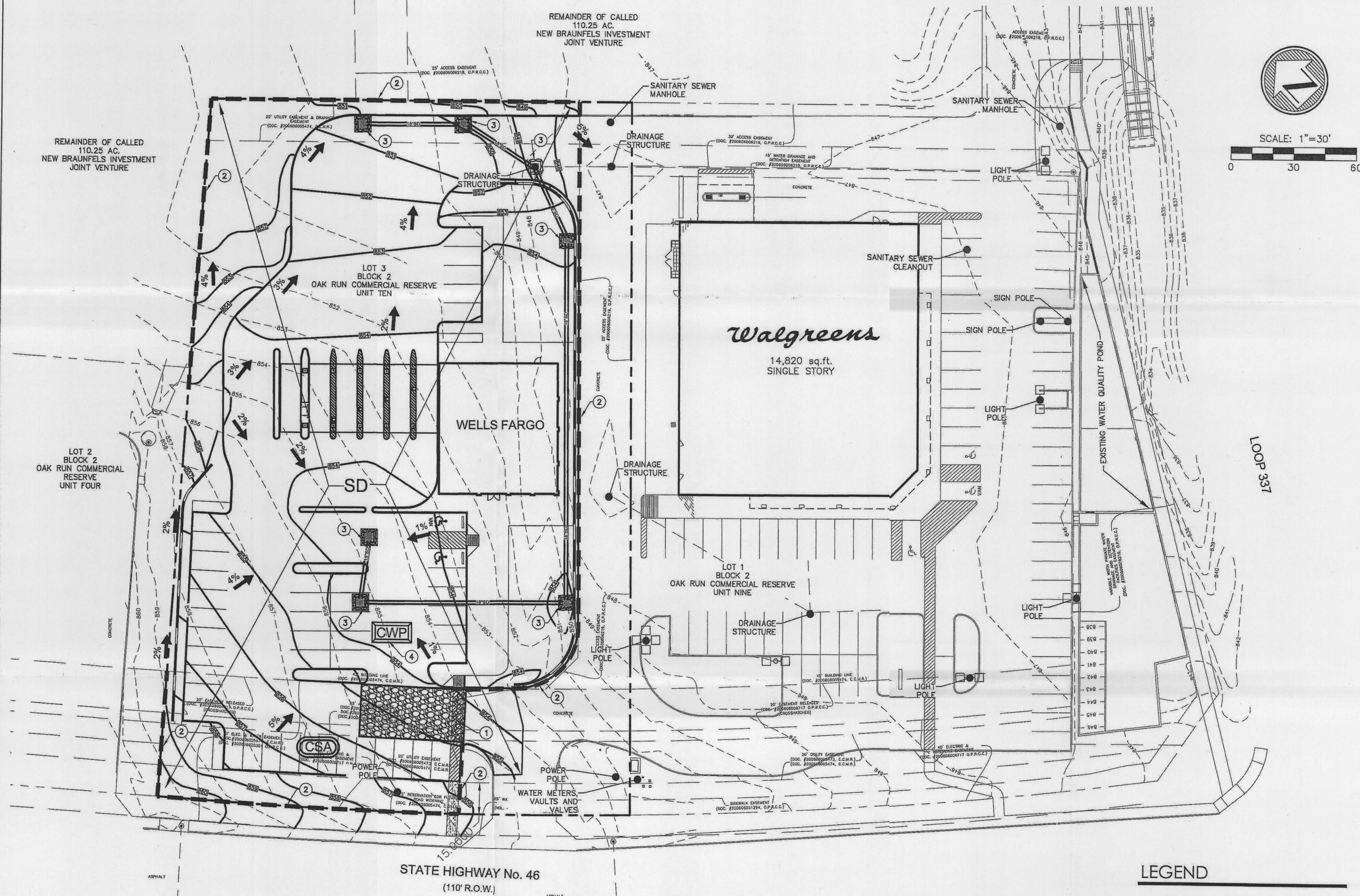


## 3 BAGGED GRAVEL INLET FILTER

SCALE: NONE

### GENERAL NOTES:

- SOIL DISTURBANCES WILL OCCUR OVER ENTIRE SITE UNLESS OTHERWISE SHOWN ON THIS PLAN.
- LOCATIONS OF MAJOR STRUCTURAL AND NONSTRUCTURAL CONTROLS ARE LABELED.
- THESE ARE THE TEMPORARY AND PERMANENT BEST MANAGEMENT PRACTICES.
- SOIL STABILIZATION PRACTICES SHALL OCCUR OVER THE ENTIRE SITE WITH THE USE OF PAVEMENT, BUILDINGS, SIDEWALKS, GRASS SOD, GRASS SEEDING AND MULCH.
- THERE ARE NO LOCATIONS WHERE STORMWATER DISCHARGES TO SURFACE WATER.
- ALL STORMWATER DISCHARGE TO SENSITIVE FEATURES SHALL BE COVERED WITH GRASS SOD.

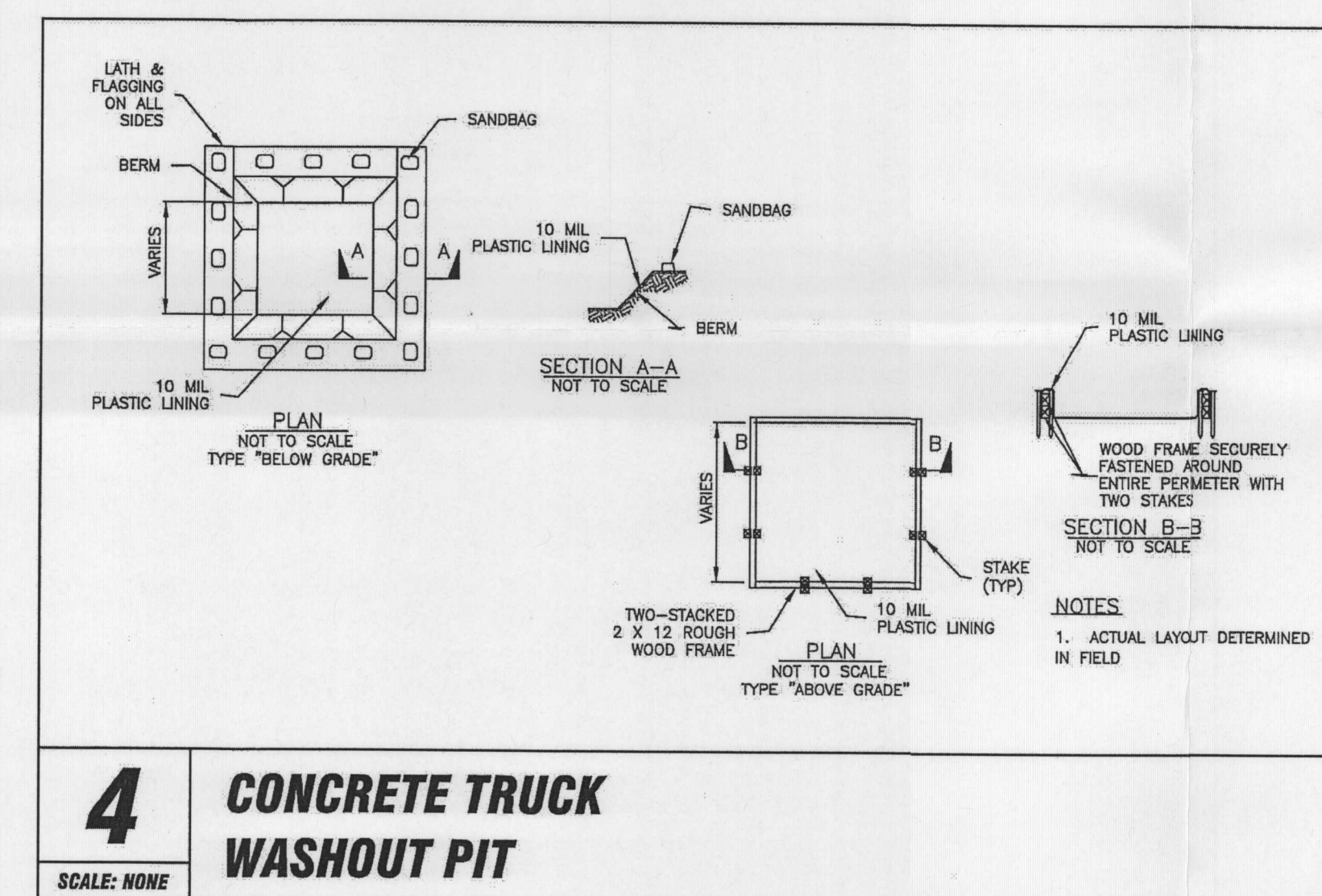


### LEGEND

- 850 — EXISTING CONTOURS
- — — — — PROPERTY LINE
- — — — — SILT FENCE
- 850 — PROPOSED CONTOURS
- ○ ○ ○ ○ BAGGED GRAVEL INLET FILTER
- STABILIZED CONSTRUCTION EXIT
- ① ITEM NUMBER
- CSA CONSTRUCTION STAGING AREA
- 1% FLOW DIRECTION AND SLOPE
- SD SOIL DISTURBANCE
- CWPI CONCRETE WASHOUT PIT

### KEY NOTES:

- TEMPORARY CONSTRUCTION ENTRANCE / EXIT
- SILT FENCE
- BAGGED GRAVEL INLET FILTER
- CONCRETE WASHOUT PIT



## 4 CONCRETE TRUCK WASHOUT PIT

SCALE: NONE

WELLS FARGO (NEW BRAUNFELS)

WPAP SITE PLAN

CONSTRUCTION PLANS

10-17-2014  
SAN ANTONIO

SHEET

1 of 1

NO.	DATE	DESCRIPTION	BY

**Engineers**  
**Surveyors**  
**Planners**

**MIR**

**Moy Tarin Ramirez Engineers, LLC**  
FIRM TYPE NO. F-5297 & TEMPL NO. 10131500  
12770 CHARRON PATH, SUITE 100  
SAN ANTONIO, TEXAS 78249  
TEL: (210) 688-5051  
FAX: (210) 688-5085

PROJ. #	DES. BY	DWN. BY	CHECK. BY	DATE
14037.01				8/21/14

**Temporary Stormwater Section**  
for Regulated Activities  
on the Edwards Aquifer Recharge Zone  
and Relating to 30 TAC §213.5(b)(4)(A), (B), (D)(I) and (G); Effective June 1, 1999

REGULATED ENTITY NAME: Walgreen's – New Braunfels #3

**POTENTIAL SOURCES OF CONTAMINATION**

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

1. Fuels for construction equipment and hazardous substances which will be used during construction:
  - ☐ Aboveground storage tanks with a cumulative storage capacity of less than 250 gallons will be stored on the site for less than one (1) year.
  - ☐ Aboveground storage tanks with a cumulative storage capacity between 250 gallons and 499 gallons will be stored on the site for less than one (1) year.
  - ☐ Aboveground storage tanks with a cumulative storage capacity of 500 gallons or more will be stored on the site. An **Aboveground Storage Tank Facility Plan** application must be submitted to the appropriate regional office of the TCEQ prior to moving the tanks onto the project.
  - ☒ Fuels and hazardous substances will not be stored on-site.
2. ☒ **ATTACHMENT A - Spill Response Actions.** A description of the measures to be taken to contain any spill of hydrocarbons or hazardous substances is provided at the end of this form.
3. ☒ Temporary aboveground storage tank systems of 250 gallons or more cumulative storage capacity must be located a minimum horizontal distance of 150 feet from any domestic, industrial, irrigation, or public water supply well, or other sensitive feature.
4. ☒ **ATTACHMENT B - Potential Sources of Contamination.** Describe in an attachment at the end of this form any other activities or processes which may be a potential source of contamination.
  - ☐ There are no other potential sources of contamination.

**SEQUENCE OF CONSTRUCTION**

5. ☒ **ATTACHMENT C - Sequence of Major Activities.** A description of the sequence of major activities which will disturb soils for major portions of the site (grubbing, excavation, grading, utilities, and infrastructure installation) is provided at the end of this form. For each activity described, an estimate of the total area of the site to be disturbed by each activity is given.
6. ☒ Name the receiving water(s) at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project: Panther Canyon

**TEMPORARY BEST MANAGEMENT PRACTICES (TBMPs)**

Erosion control examples: tree protection, interceptor swales, level spreaders, outlet stabilization, blankets or matting, mulch, and sod. Sediment control examples: stabilized construction exit, silt fence, filter dikes, rock berms, buffer strips, sediment traps, and sediment basins. Please refer to the Technical Guidance Manual for guidelines and specifications. **All structural BMPs must be shown**

on the site plan.

7. X **ATTACHMENT D - Temporary Best Management Practices and Measures.** A description of the TBMPs and measures that will be used during and after construction are provided at the end of this form. For each activity listed in the sequence of construction, include appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented.
- X TBMPs and measures will prevent pollution of surface water, groundwater, and stormwater. The construction-phase BMPs for erosion and sediment controls have been designed to retain sediment on site to the extent practicable. The following information has been provided in the attachment at the end of this form
- a. A description of how BMPs and measures will prevent pollution of surface water, groundwater or stormwater that originates upgradient from the site and flows across the site.
  - b. A description of how BMPs and measures will prevent pollution of surface water or groundwater that originates on-site or flows off site, including pollution caused by contaminated stormwater runoff from the site.
  - c. A description of how BMPs and measures will prevent pollutants from entering surface streams, sensitive features, or the aquifer.
  - d. A description of how, to the maximum extent practicable, BMPs and measures will maintain flow to naturally-occurring sensitive features identified in either the geologic assessment, TCEQ inspections, or during excavation, blasting, or construction.
8. The temporary sealing of a naturally-occurring sensitive feature which accepts recharge to the Edwards Aquifer as a temporary pollution abatement measure during active construction should be avoided.
- **ATTACHMENT E - Request to Temporarily Seal a Feature.** A request to temporarily seal a feature is provided at the end of this form. The request includes justification as to why no reasonable and practicable alternative exists for each feature.
- X There will be no temporary sealing of naturally-occurring sensitive features on the site.
9. X **ATTACHMENT F - Structural Practices.** Describe the structural practices that will be used to divert flows away from exposed soils, to store flows, or to otherwise limit runoff discharge of pollutants from exposed areas of the site. Placement of structural practices in floodplains has been avoided.
10. X **ATTACHMENT G - Drainage Area Map.** A drainage area map is provided at the end of this form to support the following requirements.
- For areas that will have more than 10 acres within a common drainage area disturbed at one time, a sediment basin will be provided.
  - For areas that will have more than 10 acres within a common drainage area disturbed at one time, a smaller sediment basin and/or sediment trap(s) will be used.
  - For areas that will have more than 10 acres within a common drainage area disturbed at one time, a sediment basin or other equivalent controls are not attainable, but other TBMPs and measures will be used in combination to protect down slope and side slope boundaries of the construction area.

- X There are no areas greater than 10 acres within a common drainage area that will be disturbed at one time. A smaller sediment basin and/or sediment trap(s) will be used in combination with other erosion and sediment controls within each disturbed drainage area.

11. N/A **ATTACHMENT H - Temporary Sediment Pond(s) Plans and Calculations.** Temporary sediment pond or basin construction plans and design calculations for a proposed temporary BMP or measure has been prepared by or under the direct supervision of a Texas Licensed Professional Engineer. All construction plans and design information must be signed, sealed, and dated by the Texas Licensed Professional Engineer. Construction plans for the proposed temporary BMPs and measures are provided as at the end of this form.
12. X **ATTACHMENT I - Inspection and Maintenance for BMPs.** A plan for the inspection of temporary BMPs and measures and for their timely maintenance, repairs, and, if necessary, retrofit is provided at the end of this form. A description of documentation procedures and recordkeeping practices is included in the plan.
13. X All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections by the applicant or the executive director, or other information indicate a control has been used inappropriately, or incorrectly, the applicant must replace or modify the control for site situations.
14. X If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize offsite impacts to water quality (e.g., fugitive sediment in street being washed into surface streams or sensitive features by the next rain).
15. X Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been reduced by 50%. A permanent stake will be provided that can indicate when the sediment occupies 50% of the basin volume.
16. X Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls, picked up daily).

#### **SOIL STABILIZATION PRACTICES**

Examples: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, or preservation of mature vegetation.

17. X **ATTACHMENT J - Schedule of Interim and Permanent Soil Stabilization Practices.** A schedule of the interim and permanent soil stabilization practices for the site is attached at the end of this form.
18. X Records must be kept at the site of the dates when major grading activities occur, the dates when construction activities temporarily or permanently cease on a portion of the site, and the dates when stabilization measures are initiated.
19. X Stabilization practices must be initiated as soon as practicable where construction activities have temporarily or permanently ceased.

#### **ADMINISTRATIVE INFORMATION**

20. X All structural controls will be inspected and maintained according to the submitted and approved operation and maintenance plan for the project.
21. X If any geologic or manmade features, such as caves, faults, sinkholes, etc., are discovered, all regulated activities near the feature will be immediately suspended. The appropriate TCEQ Regional Office shall be immediately notified. Regulated activities must cease and not continue until the TCEQ has reviewed and approved the methods proposed to protect the aquifer from any adverse impacts.
22. X Silt fences, diversion berms, and other temporary erosion and sediment controls will be constructed and maintained as appropriate to prevent pollutants from entering sensitive features discovered during construction.

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. This **TEMPORARY STORMWATER SECTION** is hereby submitted for TCEQ review and executive director approval. The application was prepared by:

Greg Senulis

Print Name of Customer/Agent



Signature of Customer/Agent

8/15/14

Date

## **ATTACHMENT A**

### **Spill Response Actions**

#### **1. Housekeeping**

- A. Minimize materials: An effort will be made to store only enough materials required to do the job.
- B. Storage: All materials stored on site will be stored in a neat, orderly manner in their appropriate containers in a covered area. If storage in a covered area is not feasible, then the materials will be covered with polyethylene or polypropylene sheeting to protect them from the elements.
- C. Labeling: Products will be kept in their original containers with the original manufacturer's label affixed to each container.
- D. Mixing: Substances will not be mixed with one another unless this is recommended by the manufacturer.
- E. Disposal: Whenever possible, all of a product will be used prior to disposal of the container. Manufacturer's recommendations will be followed for proper use and disposal of materials on site.
- F. Inspections: The site superintendent will inspect the site daily to ensure proper use and disposal of materials on site.
- G. Spoil Materials: Any excavated earth that will not be used for fill material and all demolished pavement will be hauled off site immediately and will be disposed of properly, in accordance with all applicable state/local regulations.

#### **2. Product Specific Practices**

- A. Petroleum Products: All on site vehicles will be monitored for leaks and will receive regular preventive maintenance to reduce the chance of leakage. If petroleum products will be present at the site, then they will be stored in tightly sealed containers which are clearly labeled. Any asphalt substances used on site will be applied according to the manufacturer's recommendations.
- B. Concrete Trucks: Ready/Transit Mix Trucks will not be allowed to wash out or discharge surplus concrete or drum wash water except in the designated location on site as shown on the SWPPP site plan.
- C. Paints: All containers will be tightly sealed and stored when not required for use. Excess paint will not be poured into storm sewer system or drainage channels, but will be properly disposed of according to manufacturers' instructions or state/local regulations.
- D. Fertilizers: Fertilizers will be applied only in the minimum amounts recommended by the manufacturer. Once applied, fertilizer will be worked into the soil to limit exposure to storm water. The fertilizer will be stored in a covered area, and any partially used bags will be transferred to a sealable plastic bin to avoid spills.

### 3. Spill Control and Response Measures

A spill prevention and response team will be designated by the site superintendent. In addition, the following practices will be followed for spill cleanup:

- A. Information: Manufacturers' recommended methods for spill cleanup will be clearly posted, and site personnel will be made aware of the procedures and location of the information and cleanup supplies.
- B. Equipment: Materials and equipment necessary for spill cleanup will be present on the site at all times. Equipment and materials will include, but not be limited to brooms, shovels, rags, gloves, goggles, absorbent materials (sand, sawdust, etc.) and plastic or metal trash containers specifically designed for this purpose. The materials and equipment necessary for spill cleanup will be dependent upon the nature and quantity of the material stored on site.
- C. Response: All spills will be cleaned up immediately upon discovery.

#### Cleanup

- (1) Clean up leaks and spills immediately
- (2) Use a rag for small spills on paved surfaces, a damp mop for general cleanup, and absorbent material for larger spills. If the spilled material is hazardous, then the used cleanup materials are also hazardous and must be disposed of as hazardous waste.
- (3) Never hose down or bury dry material spills. Clean up as much of the material as possible and dispose of properly. See the waste management BMPs in TCEQ Technical Guidance Manual RG-348 for specific information.

#### Minor Spills

- (1) Minor spills typically involve small quantities of oil, gasoline, paint, etc. which can be controlled by the first responder at the discovery of the spill.
- (2) Use absorbent materials on small spills rather than hosing down or burying the spill
- (3) Absorbent materials should be promptly removed and disposed of properly.
- (4) Follow the practice below for a minor spill:
- (5) Contain the spread of the spill.
- (6) Recover spilled materials.
- (7) Clean the contaminated area and properly dispose of contaminated materials.

#### Semi-Significant Spills

Semi-significant spills still can be controlled by the first responder along with the aid of other personnel such as laborers and the foreman, etc. This response may require the cessation of all other activities.

Spills should be cleaned up immediately:

- (1) Contain spread of the spill.
- (2) Notify the project foreman immediately.
- (3) If the spill occurs on paved or impermeable surfaces, clean up using "dry" methods (absorbent materials, cat litter and/or rags). Contain the spill by encircling with absorbent materials and do not let the spill spread widely.
- (4) If the spill occurs in dirt areas, immediately contain the spill by constructing an earthen dike. Dig up and properly dispose of contaminated soil.
- (5) If the spill occurs during rain, cover the spill with tarps or other material to prevent contaminating runoff.

#### **Significant/Hazardous Spills**

For significant or hazardous spills that are in reportable quantities:

- (1) Notify the TCEQ by telephone as soon as possible and within 24 hours at 512-339-2929 (Austin) or 210-490-3096 (San Antonio) between 8 AM and 5 PM. After hours, contact the Environmental Release Hotline at 1-800-832-8224. It is the contractor's responsibility to have all emergency phone numbers at the construction site.
- (2) For spills of federal reportable quantities, in conformance with the requirements in 40 CFR parts 110, 119, and 302, the contractor should notify the National Response Center at (800) 424-8802.
- (3) Notification should first be made by telephone and followed up with a written report.
- (4) The services of a spills contractor or a Haz-Mat team should be obtained immediately. Construction personnel should not attempt to clean up until the appropriate and qualified staffs have arrived at the job site.
- (5) Other agencies which may need to be consulted include, but are not limited to, the City Police Department, County Sheriff Office, Fire Departments, etc.

#### **D. Vehicle and Equipment Maintenance**

- (1) If maintenance must occur onsite, use a designated area and a secondary containment, located away from drainage courses, to prevent the runoff of stormwater and the runoff of spills.
- (2) Regularly inspect onsite vehicles and equipment for leaks and repair immediately.
- (3) Check incoming vehicles and equipment (including delivery trucks, and employee and subcontractor vehicles) for leaking oil and fluids. Do not allow leaking vehicles or equipment onsite.
- (4) Always use secondary containment, such as a drain pan or drop cloth, to catch spills or leaks when removing or changing fluids.
- (5) Place drip pans or absorbent materials under paving equipment when not in use.

(6) Use absorbent materials on small spills rather than hosing down or burying the spill. Remove the absorbent materials promptly and dispose of properly.

(7) Promptly transfer used fluids to the proper waste or recycling drums. Don't leave full drip pans or other open containers lying around.

(8) Oil filters disposed of in trash cans or dumpsters can leak oil and pollute stormwater. Place the oil filter in a funnel over a waste oil-recycling drum to drain excess oil before disposal. Oil filters can be recycled. Ask the oil supplier or recycler about recycling oil filters.

(9) Store cracked batteries in a non-leaking secondary container. Do this with all cracked batteries even if you think all the acid has drained out. If you drop a battery, treat it as if it is cracked. Put it into the containment area until you are sure it is not leaking.

E. Vehicle and Equipment Fueling

(1) If fueling must occur onsite, use designated areas, located away from drainage courses, to prevent the runoff of stormwater and the runoff of spills.

(2) Discourage "topping off" of fuel tanks.

(3) Always use secondary containment, such as a drain pan, when fueling to catch spills/leaks.

F. Safety: The spill area will be kept well ventilated, and personnel will wear appropriate protective clothing to prevent injury from contact with hazardous substances.

G. Reporting: Spills of toxic or hazardous material (if present on site) will be reported to the appropriate state or local government agency, regardless of the spill's size.

H. Record Keeping: The spill prevention plan will be modified to include measures to prevent this type of spill from recurring as well as improved methods for cleaning up any future spills. A description of each spill, what caused it, and the cleanup measures used will be kept with this plan.

**ATTACHMENT B**  
**Potential Sources of Contamination**

<b>Potential Source</b>	Oil, grease, fuel and hydraulic fluid contamination from construction equipment and vehicle dripping.
<b>Preventive Measure</b>	Vehicle maintenance when possible will be performed within a construction staging area specified by the General Contractor.
<b>Potential Source</b>	Miscellaneous trash and litter from construction workers and material wrappings.
	<b>Preventive Measure</b> Trash containers will be placed throughout the site to encourage proper trash disposal.
<b>Potential Source</b>	Construction debris.
<b>Preventive Measure</b>	Construction debris will be monitored daily by contractor. Debris will be collected weekly and placed in disposal bins. Situations requiring immediate attention will be addressed on a case by case basis.
<b>Potential Source</b>	Stormwater contamination from excess application of fertilizers, herbicides and pesticides.
<b>Preventive Measure</b>	Fertilizers, herbicides and pesticides will be applied only when necessary and in accordance with manufacturers directions.
<b>Potential Source</b>	Soil and mud from construction vehicle tires as they leave the site.
<b>Preventive Measure</b>	A stabilized construction exit shall be utilized as vehicles leave the site. Any soil, mud, etc. carried from the project onto public roads shall be cleaned up within 24 hours.
<b>Potential Source</b>	Sediment from soil, sand, gravel and excavated materials stockpiled on site.
<b>Preventive Measure</b>	Silt fence shall be installed on the downgradient side of all stockpiled materials. Reinforced rock berms shall be installed at all downstream discharge locations.

**ATTACHMENT C**  
**Sequence of Major Activities**

**Wells Fargo site (Lot 3)**

Sequence Item	Description	Approximate Acres Disturbed
1.	Clearing of site	1.4 Ac.
2.	Site grading	1.2 Ac.
3.	Construction of building pad	0.1 Ac.
4.	Construction of site utilities and drainage facilities	0.1 Ac.
5.	Building construction	0.1 Ac.
6.	Construction of parking lots, drives, concrete flatwork, etc.	1.2 Ac.
7.	Installation of top soil and landscaping	0.3 Ac.

## **ATTACHMENT D**

### **Temporary Best Management Practices and Measures**

#### Description of Temporary Best Management Practices:

1. Temporary Construction Entrance/Exit (Item A) – A stabilized pad of crushed stone located at any point where traffic will be entering or leaving the construction site from a public R.O.W., street, alley, sidewalk or parking area. It shall be a minimum of 50 feet long, 12 feet wide and 8 inches thick. The rock shall be 4” to 8” in size.
2. Silt Fence (Item B) – A barrier consisting of geotextile fabric supported by metal posts to prevent soil and sediment loss from a site. Silt fences shall be installed on the downgradient side of the proposed areas to be disturbed that have a drainage area of 2 or less acres.
3. Rock Berm (Item C) – A sediment trap consisting of 3” to 5” diameter rock wrapped in woven wire sheathing. The berm shall have a minimum height of 18” and a minimum top width of 2 feet. A rock berm shall be placed at locations of concentrated flows where the drainage area is between 2 and 5 acres.
4. Temporary Seeding – Temporary seeding of disturbed areas shall be performed if disturbed areas are expected to have no construction activity for a period of at least 21 days.

#### Sequence of installation during construction process for each phase of construction:

1. The Temporary Construction Entrance/Exit (Item A) shall be installed prior to disturbing any soil except at the location of the Temporary Construction Entrance/Exit. It shall stay in place and be maintained until the onsite pavement is in place.
2. Silt Fence (Item B) shall be installed along the downgradient sides of the site as indicated on the WPAP Site Plan prior to any disturbance of the site.
3. Rock Berms (Item C) shall be installed at concentrated storm water discharge locations as indicated on the WPAP Site Plan prior to any disturbance of the site.

#### Up gradient storm water flowing across the site:

Contributing storm water runoff from the adjacent property up gradient of the site will be routed around the proposed impervious cover areas such that it does not enter the site after construction. The adjacent up gradient site is curbed which also directs the flow away from the site. During construction up gradient runoff will be treated with temporary BMP's.

#### Onsite storm water flowing across and off the site:

The storm water originating onsite and flowing off the site will be treated through a number of temporary BMPs. Rock berms will be installed at the concentrated discharge locations to create sediment traps and help prevent sediment, silt and debris from leaving the site. Silt fences will be installed at all locations where non-concentrated storm water exits the site. These rock berms and silt fences should filter the storm water prior to it leaving the site.

Prevention of pollutants from entering surface streams, sensitive features and the aquifer:

The storm water originating onsite and flowing off the site will be treated through a number of temporary BMPs prior to it entering surface streams, sensitive features and the aquifer. Rock berms will be installed at the concentrated discharge locations to help trap sediment, silt and debris prior to the storm water leaving the site. Silt fences will be installed at all locations where non-concentrated storm water may leave the site. These rock berms and silt fences should filter the storm water prior to it leaving the site.

Maintaining flow to naturally-occurring sensitive features:

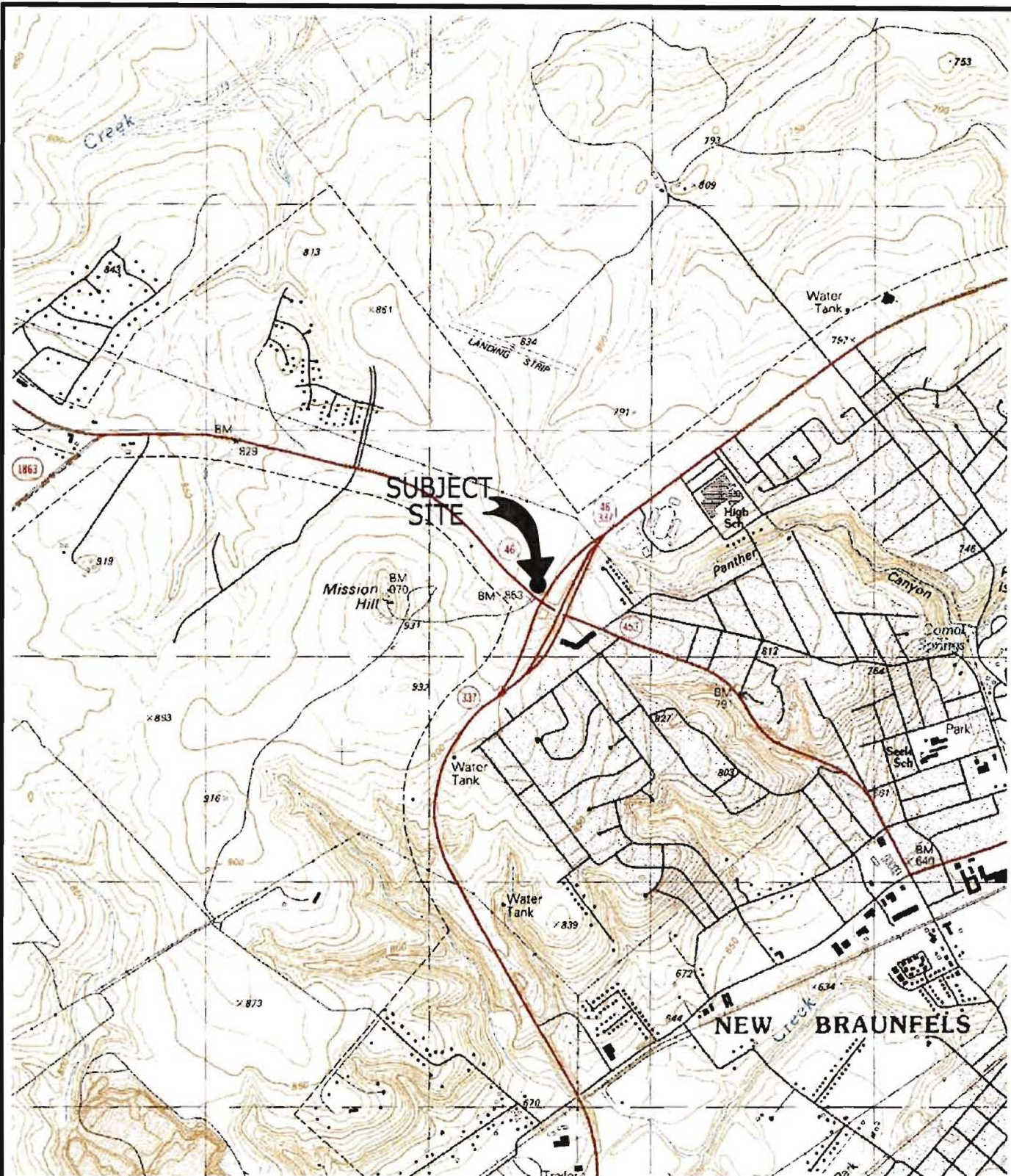
The storm water originating onsite and flowing off the site will continue to flow into the down gradient receiving waters. Any sensitive features downstream will continue to receive flow originating on the site. Prior to the flow leaving the site, it will be treated through a number of temporary BMPs. These temporary BMPs should remove sediment, pollutants and debris if installed and maintained properly.

**ATTACHMENT F**  
**Structural Practices**

Runoff discharge of pollutants from exposed areas of the site will be limited through the utilization of temporary BMPs. Prior to leaving the site, flows containing pollutant discharges will be treated by a silt fence, stabilized construction entrance/exit and rock berms which will minimize the amount of pollutants leaving the site.

These structural measures will be installed prior to the initiation of site preparation and earth moving activities, and will be in accordance with TCEQ RG-348 July 2005.

Location of the BMPs is shown on the WPAP Site Plan.



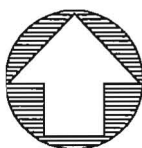
**Moy Tarin Ramirez Engineers, LLC**

FIRM TBPE NO. F-5297 TBPLS NO. 10131500

12770 CIMARRON PATH, SUITE 100  
SAN ANTONIO, TEXAS 78249

- Engineers
- Surveyors
- Planners

TEL: (210) 698-5051  
FAX: (210) 698-5085



SCALE: 1" = 2000'

### Walgreen's - New Braunfels #3

### DRAINAGE AREA MAP ATTACHMENT "G"

(SOURCE: USGS "New Braunfels West" quadrangle)

DATE: 8/21/14

PROJ. #: 14037.01

## **ATTACHMENT I**

### **Inspection and Maintenance for BMPs**

#### Silt Fence

1. Inspect all fencing weekly, and after any rainfall.
2. Remove sediment when buildup reaches 6 inches, or install a second line of fencing parallel to the old fence.
3. Replace any torn fabric or install a second line of fencing parallel to the torn section.
4. Replace or repair any sections crushed or collapsed in the course of construction activity.

#### Rock Berm

1. Inspections should be made weekly and after each rainfall by the responsible party.
2. Remove sediment and other debris when buildup reaches 6 inches and dispose of the accumulated silt in an approved manner.
3. Repair any loose wire sheathing.
4. The berm should be reshaped as needed during inspection.
5. The berm should be replaced when the structure ceases to function as intended due to silt accumulation among the rocks, washout, construction traffic damage, etc.
6. The rock berm should be left in place until all upstream areas are stabilized and accumulated silt removed.

#### Temporary Construction Entrance and Exits

1. The entrance should be maintained in a condition, which will prevent tracking or following of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand and repair and/or cleanout of any measures used to trap sediment.
2. All sediment spilled, dropped, washed or tracked on to public rights-of-ways should be removed immediately by contractor.
3. When necessary, wheels should be cleaned to remove sediment prior to entrance onto public right-of-way.
4. When washing is required, it should be done on an area stabilized with crushed stone that drains into an approved sediment trap or sediment basin.
5. All sediment should be prevented from entering any storm drain, ditch, or water course by using approved methods.

# Walgreen's - New Braunfels #3 (Wells Fargo Site)

## Inspection Report

*Note: Contractor shall retain the inspection report on site for review by regulating agencies.*

Pollution Prevention Measure		Inspected	Corrective Action	
			Description	Date Completed
Silt Fences	Inspections			
	Fencing			
	Sediment Removal			
	Torn Fabric			
	Crushed/Collapsed Fencing			
Rock Berms	Inspections			
	Remove sediment and Debris			
	Repair any loose wire sheathing			
	Reshaping			
	Replaced			
Construction Entrance/Exit	Inspections			
	Additional top Dressing			
	Repair/Cleanout			
	Sediment removed immediately			

Inspector's Name

Inspector's Signature

Inspection Date

## **ATTACHMENT J**

### **Schedule of Interim and Permanent Soil Stabilization Practices**

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 14<sup>th</sup> 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 the site. In areas experiencing droughts where the initiation of stabilization measures by the 14<sup>th</sup> day after construction activity has temporarily or permanently ceased is precluded by seasonal arid conditions, stabilization measures shall be initiated as soon as practicable.

Temporary stabilization shall consist of temporary seeding of disturbed areas that are denuded beyond 14 days without construction restart within 21 days.

Temporary vegetation stabilization techniques shall be in accordance with the TCEQ Technical Guidance Manual RG-248 (*Complying with the Edwards Aquifer Rules – Technical Guidance on Best Management Practices*), Chapter 1 Temporary Best Management Practices, Section 1.3.8 Temporary Vegetation, as follows:

#### **Temporary Vegetation**

Vegetation is used as a temporary or permanent stabilization technique for areas disturbed by construction, but not covered by pavement, buildings, or other structures. As a temporary control, vegetation can be used to stabilize stockpiles and barren areas that are inactive for long periods of time.

Vegetative techniques can and should apply to every construction project with few exceptions. Vegetation effectively reduces erosion in swales, stockpiles, berms, mild to medium slopes, and along roadways.

Other techniques may be required to assist in the establishment of vegetation. These other techniques include erosion control matting, mulches, surface roughening, swales and dikes to direct runoff around newly seeded areas, and proper grading to limit runoff velocities during construction. (NCTCOG, 1993b)

#### **Materials:**

The type of temporary vegetation used on a site is a function of the season and the availability of water for irrigation. For areas that are not irrigated, the year can be divided into two temporary planting seasons and one season for planting of permanent warm weather groundcovers. These periods are shown in Figure 1-19 for Bexar, Comal, Kinney, Medina, and Uvalde Counties. Appropriate temporary vegetation for these areas are shown in Table 1-4.

Other vegetation may perform as well as the recommended varieties, especially where irrigation is available. County agricultural extension agents are a good source for suggestions for other types of temporary vegetation. All seed should be high quality, U.S. Dept. of Agriculture certified seed.

### Installation:

(1) Interim or final grading must be completed prior to seeding, minimizing all steep slopes. In addition, all necessary erosion structures such as dikes, swales, and diversions, should also be installed.

(2) Seedbed should be well pulverized, loose, and uniform.

(3) Fertilizer should be applied at the rate of 40 pounds of nitrogen and 40 pounds of phosphorus per acre, which is equivalent to about 1.0 pounds of nitrogen and phosphorus per 1000 square feet. Compost can be used instead of fertilizer and applied at the same time as the seed.

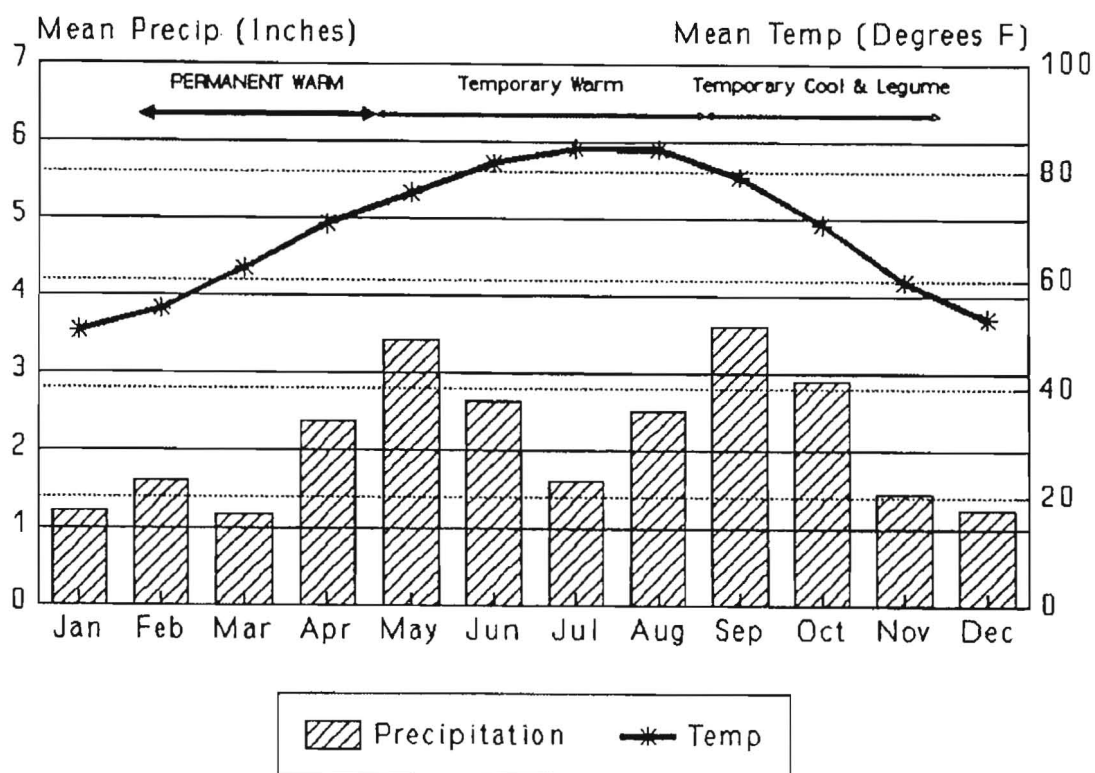


Figure 1-19 Planting Dates for Bexar, Comal, Kinney, Medina, and Uvalde Counties (Northcutt, 1993)

Table 1-4 Temporary Seeding for Bexar, Comal, Kinney, Medina, and Uvalde Counties (Northcutt, 1993)

Dates	Climate	Species (lb/ac)	
Sept 1 to Nov 30	Temporary Cool Season	Tall Fescue	4.0
		Oats	21.0
		Wheat (Red, Winter)	30.0
		<b>Total</b>	<b>55.0</b>
Sept 1 to Nov 30	Cool Season Legume	Hairy Vetch	8.0
May 1 to Aug 31	Temporary Warm Season	Foxtail Millet	30.0

(4) Seeding rates should be as shown in Table 1-4 or as recommended by the county agricultural extension agent.

(5) The seed should be applied uniformly with a cyclone seeder, drill, cultipacker seeder or hydroseeder (slurry includes seed, fertilizer and binder).

(6) Slopes that are steeper than 3:1 should be covered with appropriate soil stabilization matting as described in the following section to prevent loss of soil and seed.

#### **Irrigation**

Temporary irrigation should be provided according to the schedule described below, or to replace moisture loss to evapotranspiration (ET), whichever is greater. Significant rainfall (on-site rainfall of ½" or greater) may allow watering to be postponed until the next scheduled irrigation.

<b>Time Period</b>	<b>Irrigation Amount and Frequency</b>
Within 2 hours of installation	Irrigate entire root depth, or to germinate seed
During the next 10 business days	Irrigate entire root depth every Monday, Wednesday, and Friday
During the next 30 business days or until Substantial Completion	Irrigate entire root depth a minimum of once per week, or as necessary to ensure vigorous growth
During the next 4 months or until Final Acceptance of the Project	Irrigate entire root depth once every two weeks, or as necessary to ensure vigorous growth

If cool weather induces plant dormancy, water only as necessary to maintain plant health. Irrigate in a manner that will not erode the topsoil but will sufficiently soak the entire depth of roots.

#### **Inspection and Maintenance Guidelines:**

(1) Temporary vegetation should be inspected weekly and after each rain event to locate and repair any erosion.

(2) Erosion from storms or other damage should be repaired as soon as practical by regrading the area and applying new seed.

(3) If the vegetated cover is less than 80%, the area should be reseeded.

**Permanent Stormwater Section**  
for Regulated Activities  
on the Edwards Aquifer Recharge Zone  
and Relating to 30 TAC §213.5(b)(4)(C), (D)(li), (E), and (5), Effective June 1, 1999

REGULATED ENTITY NAME: Walgreen's – New Braunfels #3

**Permanent best management practices (BMPs) and measures that will be used during and after construction is completed.**

1. X Permanent BMPs and measures must be implemented to control the discharge of pollution from regulated activities after the completion of construction.
2. X These practices and measures have been designed, and will be constructed, operated, and maintained to insure that 80% of the incremental increase in the annual mass loading of total suspended solids (TSS) from the site caused by the regulated activity is removed. These quantities have been calculated in accordance with technical guidance prepared or accepted by the executive director.  
  
X The TCEQ Technical Guidance Manual (TGM) was used to design permanent BMPs and measures for this site.  
— A technical guidance other than the TCEQ TGM was used to design permanent BMPs and measures for this site. The complete citation for the technical guidance that was used is provided below:  
  
\_\_\_\_\_  
\_\_\_\_\_  
  
3. X Owners must insure that permanent BMPs and measures are constructed and function as designed. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the appropriate regional office within 30 days of site completion.
4. X Where a site is used for low density single-family residential development and has 20 % or less impervious cover, other permanent BMPs are not required. This exemption from permanent BMPs must be recorded in the county deed records, with a notice that if the percent impervious cover increases above 20% or land use changes, the exemption for the whole site as described in the property boundaries required by 30 TAC §213.4(g) (relating to Application Processing and Approval), may no longer apply and the property owner must notify the appropriate regional office of these changes.  
  
— This site will be used for low density single-family residential development and has 20% or less impervious cover.  
— This site will be used for low density single-family residential development but has more than 20% impervious cover.  
X This site will not be used for low density single-family residential development.
5. X The executive director may waive the requirement for other permanent BMPs for multi-family residential developments, schools, or small business sites where 20% or less impervious cover is used at the site. This exemption from permanent BMPs must be recorded in the county deed records, with a notice that if the percent impervious cover increases above 20% or land use changes, the exemption for the whole site as described in the property boundaries required by 30 TAC §213.4(g) (relating to Application Processing and Approval), may no longer apply and the property owner must notify the appropriate regional office of these changes.

- ☐ **ATTACHMENT A - 20% or Less Impervious Cover Waiver.** This site will be used for multi-family residential developments, schools, or small business sites and has 20% or less impervious cover. A request to waive the requirements for other permanent BMPs and measures is found at the end of this form.
- ☒ This site will be used for multi-family residential developments, schools, or small business sites but has more than 20% impervious cover.
- ☐ This site will not be used for multi-family residential developments, schools, or small business sites.

6. **ATTACHMENT B - BMPs for Upgradient Stormwater.**

- ☐ A description of the BMPs and measures that will be used to prevent pollution of surface water, groundwater, or stormwater that originates upgradient from the site and flows across the site is identified as **ATTACHMENT B** at the end of this form.
- ☐ If no surface water, groundwater or stormwater originates upgradient from the site and flows across the site, an explanation is provided as **ATTACHMENT B** at the end of this form.
- ☒ If permanent BMPs or measures are not required to prevent pollution of surface water, groundwater, or stormwater that originates upgradient from the site and flows across the site, an explanation is provided as **ATTACHMENT B** at the end of this form.

7. **ATTACHMENT C - BMPs for On-site Stormwater.**

- ☒ A description of the BMPs and measures that will be used to prevent pollution of surface water or groundwater that originates on-site or flows off the site, including pollution caused by contaminated stormwater runoff from the site is identified as **ATTACHMENT C** at the end of this form.
- ☐ If permanent BMPs or measures are not required to prevent pollution of surface water or groundwater that originates on-site or flows off the site, including pollution caused by contaminated stormwater runoff, an explanation is provided as **ATTACHMENT C** at the end of this form.

8. ☒ **ATTACHMENT D - BMPs for Surface Streams.** A description of the BMPs and measures that prevent pollutants from entering surface streams, sensitive features, or the aquifer is provided at the end of this form. Each feature identified in the Geologic Assessment as "sensitive" has been addressed.

9. ☒ The applicant understands that to the extent practicable, BMPs and measures must maintain flow to naturally occurring sensitive features identified in either the geologic assessment, executive director review, or during excavation, blasting, or construction.

- ☒ The permanent sealing of or diversion of flow from a naturally-occurring "sensitive" or "possibly sensitive" feature that accepts recharge to the Edwards Aquifer as a permanent pollution abatement measure has not been proposed for any naturally-occurring "sensitive" or "possibly sensitive" features on this site.

- ☐ **ATTACHMENT E - Request to Seal Features.** A request to seal a naturally-occurring "sensitive" or "possibly sensitive" feature, that includes a justification as to why no reasonable and practicable alternative exists, is found at the end of this form. A request and justification has been provided for each feature.

10. ☒ **ATTACHMENT F - Construction Plans.** Construction plans and design calculations for the proposed permanent BMPs and measures have been prepared by or under the direct supervision of a Texas Licensed Professional Engineer. All construction plans and design information have been signed, sealed, and dated by the Texas Licensed Professional Engineer. Construction plans for the proposed permanent BMPs and measures are provided at the end of this form. Design Calculations, TCEQ

Construction Notes, all man-made or naturally occurring geologic features, all proposed structural measures, and appropriate details must be shown on the construction plans.

***The site has an existing basin. Impervious cover calculations are provided.***

11. N/A **ATTACHMENT G - Inspection, Maintenance, Repair and Retrofit Plan.** A plan for the inspection, maintenance, repair, and, if necessary, retrofit of the permanent BMPs and measures is provided at the end of this form. The plan has been prepared and certified by the engineer designing the permanent BMPs and measures. The plan has been signed by the owner or responsible party. The plan includes procedures for documenting inspections, maintenance, repairs, and, if necessary, retrofits as well as a discussion of record keeping procedures.

***The site has an existing basin with approved maintenance plan.***

12. N/A The TCEQ Technical Guidance Manual (TGM) was used to design permanent BMPs and measures for this site. ***The site has an existing basin.***  
— Pilot-scale field testing (including water quality monitoring) may be required for BMPs that are not contained in technical guidance recognized by or prepared by the executive director.

— **ATTACHMENT H - Pilot-Scale Field Testing Plan.** A plan for pilot-scale field testing is provided at the end of this form.

13. X **ATTACHMENT I - Measures for Minimizing Surface Stream Contamination.** A description of the measures that will be used to avoid or minimize surface stream contamination and changes in the way in which water enters a stream as a result of the construction and development is provided at the end of this form. The measures address increased stream flashing, the creation of stronger flows and in-stream velocities, and other in-stream effects caused by the regulated activity which increase erosion that results in water quality degradation.

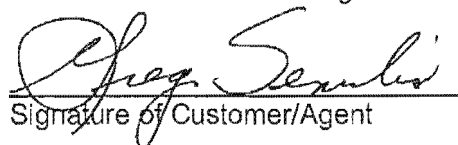
**Responsibility for maintenance of permanent BMPs and measures after construction is complete.**

14. X The applicant is responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred.
15. X A copy of the transfer of responsibility must be filed with the executive director at the appropriate regional office within 30 days of the transfer if the site is for use as a multiple single-family residential development, a multi-family residential development, or a non-residential development such as commercial, industrial, institutional, schools, and other sites where regulated activities occur.

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. This **PERMANENT STORMWATER SECTION** is hereby submitted for TCEQ review and executive director approval. The application was prepared by:

Greg Senulis

Print Name of Customer/Agent

  
Signature of Customer/Agent

8/15/14  
Date

**ATTACHMENT B**  
**BMPs for Upgradient Stormwater**

The storm water that originates up gradient from the site will not flow across the site. The accumulative runoff from the northwestern up gradient area will be intercepted by an elevated curb and ditch to convey the runoff towards the north up gradient area which naturally drains away from the proposed site. No other perimeter areas drain towards the proposed site.

## **ATTACHMENT C**

### **BMPs for On-Site Stormwater**

The BMP employed to prevent pollution of on-site originating storm water is an existing concrete lined, partial sedimentation and filtration system. This system consists of storm drain pipes and inlets, a concrete splitter box and two water quality pond chambers that are separated by a rock (gabion) wall. The storm water will enter directly into the sedimentation chamber from a concrete splitter box. As the sedimentation chamber reaches the water quality surface elevation, the additional storm water will flow over the flow splitter weir and be conveyed into the detention pond. The water quality volume will receive treatment when it enters the filtration chamber where at least 80% of the increase TSS load generated by the site will be removed. After treatment, the storm water will be released into an existing concrete headwall located within the Loop 337 right-of-way.

Anticipated pollutants can be oil and grease from vehicles as well as suspended solids and sediments that are transported by vehicles entering the site and that are transported through the air and accumulate on impervious cover surfaces. These BMP's are designed in accordance with the design criteria set forth in the TCEQ Technical Guidance Manual.

**ATTACHMENT D**  
**BMPs for Surface Streams**

No surface streams exist on the property. Therefore, it is not necessary to implement any additional permanent BMPs or measures other than the sedimentation and filtration system.

**ATTACHMENT I**  
**Measures for Minimizing Surface Stream Contamination**

Development of this site will not increase the peak discharge rates above pre-development conditions due to the construction of a storm water detention pond. The storm water flows discharging from the detention pond will enter the Panther Canyon (tributary to Comal Creek) in approximately the same manner that it did prior to the development of the site. Both permanent and temporary BMP's, as shown on the WPAP Site Plan, shall be used to minimize contamination to offsite surface streams, both during and after construction. There will be no adverse impacts to downstream surface streams.





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

I Richard Wade  
Print Name

Owner  
Title - Owner/President/Other

of Loop 337 Partners, L.P.  
Corporation/Partnership/Entity Name

have authorized Moy Tarin Ramirez Engineers, LLC  
Print Name of Agent/Engineer

of Moy Tarin Ramirez Engineers, LLC  
Print Name of Firm

to represent and act on the behalf of the above named Corporation, Partnership, or Entity for the purpose of preparing and submitting this plan application to the Texas Commission on Environmental Quality (TCEQ) for the review and approval consideration of regulated activities.

I also understand that:

1. The applicant is responsible for compliance with 30 Texas Administrative Code Chapter 213 and any condition of the TCEQ's approval letter. The TCEQ is authorized to assess administrative penalties of up to \$10,000 per day per violation.
2. For those submitting an application who are not the property owner, but who have the right to control and possess the property, additional authorization is required from the owner.
3. Application fees are due and payable at the time the application is submitted. The application fee must be sent to the TCEQ cashier or to the appropriate regional office. The application will not be considered until the correct fee is received by the commission.
4. A notarized copy of the Agent Authorization Form must be provided for the person preparing the application, and this form must accompany the completed application.
5. No person shall commence any regulated activity on the Edwards Aquifer Recharge Zone, Contributing Zone or Transition Zone until the appropriate application for the activity has been filed with and approved by the Executive Director.

SIGNATURE PAGE:

[Signature]  
Applicant's Signature

8/18/14  
Date

THE STATE OF Texas §

County of Bexar §

BEFORE ME, the undersigned authority, on this day personally appeared Richard L. Wadsworth known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 18 day of August, 2014.

[Signature]  
NOTARY PUBLIC

MARILEE TREVINO  
Typed or Printed Name of Notary

MY COMMISSION EXPIRES: Sept 16, 2016



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

I Richard Wade  
Print Name

Owner  
Title - Owner/President/Other

of Loop 337 Partners Landhold, L.P.  
Corporation/Partnership/Entity Name

have authorized Moy Tarin Ramirez Engineers, LLC  
Print Name of Agent/Engineer

of Moy Tarin Ramirez Engineers, LLC  
Print Name of Firm

to represent and act on the behalf of the above named Corporation, Partnership, or Entity for the purpose of preparing and submitting this plan application to the Texas Commission on Environmental Quality (TCEQ) for the review and approval consideration of regulated activities.

I also understand that:

1. The applicant is responsible for compliance with 30 Texas Administrative Code Chapter 213 and any condition of the TCEQ's approval letter. The TCEQ is authorized to assess administrative penalties of up to \$10,000 per day per violation.
2. For those submitting an application who are not the property owner, but who have the right to control and possess the property, additional authorization is required from the owner.
3. Application fees are due and payable at the time the application is submitted. The application fee must be sent to the TCEQ cashier or to the appropriate regional office. The application will not be considered until the correct fee is received by the commission.
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SIGNATURE PAGE:

[Signature]  
Applicant's Signature

8/19/14  
Date

THE STATE OF Texas §

County of Brewer §

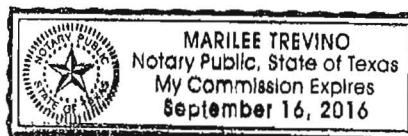
BEFORE ME, the undersigned authority, on this day personally appeared Richard L. Wack known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 18 day of August, 2014.

[Signature]  
NOTARY PUBLIC

MARILEE TREVIÑO  
Typed or Printed Name of Notary

MY COMMISSION EXPIRES: Sept. 16, 2016



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

NAME OF PROPOSED REGULATED ENTITY: Walgreen's - New Braunfels #3  
 REGULATED ENTITY LOCATION: Northwest corner of Loop 337 & State Hwy 46  
 NAME OF CUSTOMER: Loop 337 Partners, L.P., and Loop 337 Partners Landhold, L.P.  
 CONTACT PERSON: Richard Wade PHONE: (210) 490-9000  
 (Please Print)

Customer Reference Number (if issued): CN 602932287 (nine digits)  
 Regulated Entity Reference Number (if issued): RN 104785613 (nine digits)

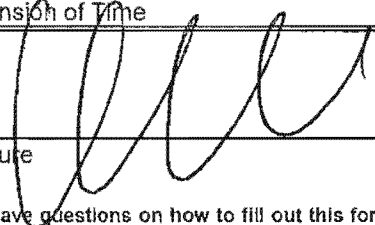
Austin Regional Office (3373) ☐ Hays ☐ Travis ☐ Williamson  
 San Antonio Regional Office (3362) ☐ Bexar ☒ Comal ☐ Medina ☐ Kinney ☐ Uvalde

Application fees must be paid by check, certified check, or money order, payable to the **Texas Commission on Environmental Quality**. Your canceled check will serve as your receipt. **This form must be submitted with your fee payment.** This payment is being submitted to (Check One):

- |  |   |
|--|---|
| <input type="checkbox"/> Austin Regional Office  | <input checked="" type="checkbox"/> San Antonio Regional Office   |
| <input type="checkbox"/> Mailed to TCEQ:<br>TCEQ - Cashier<br>Revenues Section<br>Mail Code 214<br>P.O. Box 13088<br>Austin, TX 78711-3088 | <input type="checkbox"/> Overnight Delivery to TCEQ:<br>TCEQ - Cashier<br>12100 Park 35 Circle<br>Building A, 3rd Floor<br>Austin, TX 78753<br>512/239-1278 |

Site Location (Check All That Apply): ☒ Recharge Zone ☐ Contributing Zone ☐ Transition Zone

Type of Plan	Size	Fee Due
Water Pollution Abatement Plan, Contributing Zone Plan: One Single Family Residential Dwelling	Acres	\$
Water Pollution Abatement Plan, Contributing Zone Plan: Multiple Single Family Residential and Parks	Acres	\$
Water Pollution Abatement Plan, Contributing Zone Plan: Non-residential	3.56 Acres	\$4,000.00
Sewage Collection System	L.F.	\$
Lift Stations without sewer lines	Acres	\$
Underground or Aboveground Storage Tank Facility	Tanks	\$
Piping System(s)(only)	Each	\$
Exception	Each	\$
Extension of Time	Each	\$

X   
 Signature

X 8/18/14  
 Date

If you have questions on how to fill out this form or about the Edwards Aquifer protection program, please contact us at 210/490-3096 for projects located in the San Antonio Region or 512/339-2929 for projects located in the Austin Region.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512/239-3282.

Texas Commission on Environmental Quality  
Edwards Aquifer Protection Program  
**Application Fee Schedule**  
30 TAC Chapter 213 (effective 05/01/2008)

**Water Pollution Abatement Plans and Modifications  
Contributing Zone Plans and Modifications**

PROJECT	PROJECT AREA IN ACRES	FEE
One Single Family Residential Dwelling	< 5	\$650
Multiple Single Family Residential and Parks	< 5	\$1,500
	5 < 10	\$3,000
	10 < 40	\$4,000
	40 < 100	\$6,500
	100 < 500	\$8,000
	≥ 500	\$10,000
Non-residential (Commercial, industrial, institutional, multi-family residential, schools, and other sites where regulated activities will occur)	< 1	\$3,000
	1 < 5	\$4,000
	5 < 10	\$5,000
	10 < 40	\$6,500
	40 < 100	\$8,000
	≥ 100	\$10,000

**Organized Sewage Collection Systems and Modifications**

PROJECT	COST PER LINEAR FOOT	MINIMUM FEE MAXIMUM FEE
Sewage Collection Systems	\$0.50	\$650 - \$6,500

**Underground and Aboveground Storage Tank System Facility Plans and Modifications**

PROJECT	COST PER TANK OR PIPING SYSTEM	MINIMUM FEE MAXIMUM FEE
Underground and Aboveground Storage Tank Facility	\$650	\$650 - \$6,500

**Exception Requests**

PROJECT	FEE
Exception Request	\$500

**Extension of Time Requests**

PROJECT	FEE
Extension of Time Request	\$150

13117

**SGDESIGN INC**  
 3311 ELM ST SUITE 105  
 DALLAS, TX 75226  
 (214) 742-6044

WELLS FARGO BANK, N.A.

37-65-1119

8/18/2014

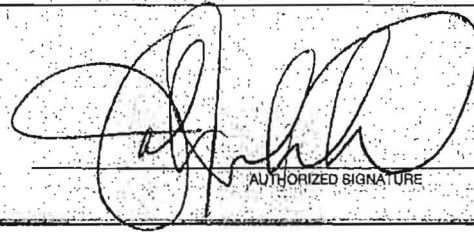
PAY TO THE ORDER OF Texas Commission on Environmental Quality

\$ \*\*4,000.00

Four Thousand and 00/100\*\*\*\*\*

DOLLARS

Texas Commission on Environmental Quality  
 Revenues Section  
 Mail Code 214  
 P.O. Box 13088  
 Austin, TX 78711-3088  
 WPAP Modification - RN104785613



AUTHORIZED SIGNATURE

MEMO

⑈013117⑈ ⑆111900659⑆ 2018753236⑈

SGDESIGN INC

13117

Texas Commission on Environmental Quality

8/18/2014

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
8/18/2014	Bill	602932287	4,000.00	4,000.00		4,000.00
					Check Amount	4,000.00

Wells Fargo - Checkin WPAP Modification - RN104785613

4,000.00



TCEQ Use Only

# TCEQ Core Data Form

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

## SECTION I: General Information

<b>1. Reason for Submission</b> (If other is checked please describe in space provided)			
<input type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application)			
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)		<input checked="" type="checkbox"/> Other	<b>WPAP Modification</b>
<b>2. Attachments</b> Describe Any Attachments: (ex. Title V Application, Waste Transporter Application, etc.)			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No WPAP Modification Application			
<b>3. Customer Reference Number (if issued)</b>		Follow this link to search for CN or RN numbers in Central Registry**	<b>4. Regulated Entity Reference Number (if issued)</b>
CN 602932287			RN 104785613

## SECTION II: Customer Information

<b>5. Effective Date for Customer Information Updates (mm/dd/yyyy)</b>		8/15/2014	
<b>6. Customer Role</b> (Proposed or Actual) – as it relates to the <u>Regulated Entity</u> listed on this form. Please check only <u>one</u> of the following:			
<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Operator	<input type="checkbox"/> Owner & Operator	
<input type="checkbox"/> Occupational Licensee	<input type="checkbox"/> Responsible Party	<input type="checkbox"/> Voluntary Cleanup Applicant	<input type="checkbox"/> Other: _____
<b>7. General Customer Information</b>			
<input type="checkbox"/> New Customer		<input type="checkbox"/> Update to Customer Information	<input type="checkbox"/> Change in Regulated Entity Ownership
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State)		<input checked="" type="checkbox"/> No Change**	
**If "No Change" and Section I is complete, skip to Section III – Regulated Entity Information.			
<b>8. Type of Customer:</b>		<input type="checkbox"/> Corporation	<input type="checkbox"/> Individual
<input type="checkbox"/> City Government		<input type="checkbox"/> County Government	<input type="checkbox"/> Sole Proprietorship- D.B.A
<input type="checkbox"/> Other Government		<input type="checkbox"/> Federal Government	<input type="checkbox"/> State Government
<input type="checkbox"/> General Partnership		<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Other: _____
<b>9. Customer Legal Name</b> (If an individual, print last name first: ex: Doe, John)		If new Customer, enter previous Customer below	
		End Date: _____	
<b>10. Mailing Address:</b>			
City		State	ZIP
			ZIP + 4
<b>11. Country Mailing Information</b> (if outside USA)		<b>12. E-Mail Address</b> (if applicable)	
<b>13. Telephone Number</b>		<b>14. Extension or Code</b>	<b>15. Fax Number</b> (if applicable)
( ) -			( ) -
<b>16. Federal Tax ID</b> (9 digits)	<b>17. TX State Franchise Tax ID</b> (11 digits)	<b>18. DUNS Number</b> (if applicable)	<b>19. TX SOS Filing Number</b> (if applicable)
<b>20. Number of Employees</b>			<b>21. Independently Owned and Operated?</b>
<input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher			<input type="checkbox"/> Yes <input type="checkbox"/> No

## SECTION III: Regulated Entity Information

<b>22. General Regulated Entity Information</b> (If 'New Regulated Entity' is selected below this form should be accompanied by a permit application)			
<input type="checkbox"/> New Regulated Entity <input checked="" type="checkbox"/> Update to Regulated Entity Name <input checked="" type="checkbox"/> Update to Regulated Entity Information <input type="checkbox"/> No Change** (See below)			
**If "NO CHANGE" is checked and Section I is complete, skip to Section IV, Preparer Information.			
<b>23. Regulated Entity Name</b> (name of the site where the regulated action is taking place)			
Walgreens - New Braunfels #3 and Wells Fargo Bank			

24. Street Address of the Regulated Entity: (No P.O. Boxes)	1610 Hwy 46 W							
	City	New Braunfels	State	TX	ZIP	78132	ZIP + 4	4737
25. Mailing Address:	12950 Country Pkwy Ste 100							
	City	San Antonio	State	TX	ZIP	78216	ZIP + 4	2011
26. E-Mail Address:	N/A							
27. Telephone Number	28. Extension or Code		29. Fax Number (if applicable)					
( 210 ) 490-9000			( 210 ) 490-9011					
30. Primary SIC Code (4 digits)	31. Secondary SIC Code (4 digits)		32. Primary NAICS Code (5 or 6 digits)			33. Secondary NAICS Code (5 or 6 digits)		
5912	6021		446110			522110		
34. What is the Primary Business of this entity? (Please do not repeat the SIC or NAICS description.)								
Pharmaceutical sales and banking institution.								

Questions 34 – 37 address geographic location. Please refer to the instructions for applicability.

35. Description to Physical Location:	The northwest corner of the intersection of State Hwy 46 and Loop 337.							
36. Nearest City	County		State		Nearest ZIP Code			
New Braunfels	Comal		TX		78132			
37. Latitude (N) In Decimal:	29.715395			38. Longitude (W) In Decimal:	98.157842			
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds
29	42	55	98	09	28			

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form or the updates may not be made. If your Program is not listed, check other and write it in. See the Core Data Form instructions for additional guidance.

<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input checked="" type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Industrial Hazardous Waste	<input type="checkbox"/> Municipal Solid Waste
		13-05102401		
<input type="checkbox"/> New Source Review – Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS	<input type="checkbox"/> Sludge
<input type="checkbox"/> Stormwater	<input type="checkbox"/> Title V – Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil	<input type="checkbox"/> Utilities
<input type="checkbox"/> Voluntary Cleanup	<input type="checkbox"/> Waste Water	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:

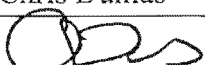
#### SECTION IV: Preparer Information

40. Name:	Chris Dumas		41. Title:	Project Manager	
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address		
( 210 ) 698-5051		( 210 ) 698-5085	cdumas@mtrengineers.com		

#### SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 9 and/or as required for the updates to the ID numbers identified in field 39.

(See the Core Data Form instructions for more information on who should sign this form.)

Company:	Moy Tarin Ramirez Engineers, LLC	Job Title:	Project Manager	
Name (In Print):	Chris Dumas	Phone:	( 210 ) 698-5051	
Signature:		Date:	8/15/2014	

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 14, 2006

Mr. Richard Wade  
Loop 337 Partners L.P. (Lot 1) & Loop 337 Partners Landhold, L.P. (Lot 3)  
12950 Country Parkway, Suite 100  
San Antonio, Texas 78216

Re: Edwards Aquifer, Comal County

NAME OF PROJECT: Walgreens – New Braunfels #3; Located on the northwest corner of Loop 337 and SH 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 ID No. 2422.00, Investigation No. 436186, Regulated Entity No. RN104785613

Dear Mr. Wade:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP application for the referenced project submitted to the San Antonio Regional Office by Moy Civil Engineers on behalf of Loop 337 Partners L.P. (Lot 1) & Loop 337 Partners Landhold, L.P. (Lot 3) on October 24, 2005. Final review of the WPAP submittal was completed after additional material was received on November 17, 2005, and February 8, 2006. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed, and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer's concurrence of compliance, the planning materials for construction of the proposed project and pollution abatement measures are hereby approved subject to applicable state rules and the conditions in this letter. The applicant or a person affected may file with the chief clerk a motion for reconsideration of the executive director's final action on this Edwards Aquifer protection plan. A motion for reconsideration must be filed no later than 23 days after the date of this approval letter. *This approval expires two (2) years from the date of this letter unless, prior to the expiration date, more than 10 percent of the construction has commenced on the project or an extension of time has been requested.*

### PROJECT DESCRIPTION

The proposed commercial project will have an area of approximately 3.56 acres. It will include one pharmacy store, associated parking, and a detention basin. Approximately half of the 3.56 acre site, labeled as "Future Commercial Development," has no development plan at this time. The total impervious cover will be 2.918 acres (81.9 percent). Project wastewater will be disposed of by conveyance to the existing ---- Sewage Treatment Plant owned by the New Braunfels Utilities.

### PERMANENT POLLUTION ABATEMENT MEASURES

A partial sedimentation/filtration basin will be constructed to treat stormwater runoff. It is designed in accordance with the 1999 edition of the TNRCC's "Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices," to treat 2,352 pounds of TSS, and is sized to capture the first 0.94 inches of stormwater run-off from 3.56 acres, providing a total capture volume of 14,593 cubic feet. The filtration system will consist of:

1. 1,183 square feet of sand, which is 18 inches thick,
2. an underdrain piping covered with geotextile membrane, and
3. an impervious liner.

The proposed measures are 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, there are no geologic or manmade features located on the project site. However, approximately 75% of the site is covered with fill material that ranges from one to seven feet in depth. The San Antonio Regional Office did not conduct a site investigation.

### SPECIAL CONDITIONS

- I. Pursuant to 30 TAC 213.4(j)(3), a modification to the approved WPAP is required for any development of land previously identified as undeveloped in the original water pollution abatement plan. Therefore, prior to the commencing any regulated activity on or within the area identified on the Walgreens – New Braunfels #3 site plan as “future commercial development” TCEQ approval and appropriate application fees are required.
- II. Since approximately 75% of the site is covered with fill material that ranges from one to seven feet in depth, all trenches, building sites and any excavation shall be assessed for sensitive geologic features by a Texas licensed professional geoscientist after removal of soils or fill materials and before any compaction or placement of any bedding or backfill. The geoscientist's assessment shall include a location map of all excavations, and comments for each excavation. The assessment shall be submitted to the TCEQ within 30 days of completion of each field assessment. For any sensitive features found, a protection plan per Standard Condition #9 below shall be required.
- III. No regulated quantities of hydrocarbons or hazardous substances shall be stored on the site.
- IV. With the exception of the maintenance ramp, the partial sedimentation/filtration basin is designed in accordance with the 1999 edition of the TCEQ's "Complying with the

Edwards Aquifer Rules: Technical Guidance on Best Management Practices." The basins will incorporate sedimentation and filtration as described above.

- V. The operation and maintenance plan signed on February 8, 2006, by the applicant, Mr. Richard Wade, acknowledges that basin maintenance will be performed without the benefit of a maintenance ramp. The reason given that the design was not met is that sufficient storage volume would not be available if a concrete ramp was placed inside the basin.
- VI. For any basin designed in accordance with the TCEQ's 2005 guidance manual (RG-348), maintenance access shall not be compromised due to lack of adequate planning.***
- VII. All sediment and or media removed from the partial sedimentation/filtration basins during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335, as applicable.
- VIII. All permanent pollution abatement measures shall be operational prior to commencement of commercial operation.
- IX. Intentional discharges of sediment laden stormwater during construction are not allowed. If dewatering of excavated areas becomes necessary, the discharge will be filtered through appropriately selected temporary best management practices. These may include vegetative filter strips, sediment traps, rock berms, silt fence rings, etc.

#### STANDARD CONDITIONS

- 1. Pursuant to Chapter 7 Subchapter C of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.

#### 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, TCEQ-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 program ID 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 TCEQ may monitor stormwater discharges from the site to evaluate the adequacy of temporary E&S control measures. Additional controls may be necessary if excessive solids are being discharged from the site.
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 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 (TCEQ-10263) is enclosed.
16. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved 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.
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

Mr. Richard Wade  
February 14, 2006  
Page 6

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 John Mauser of the Edwards Aquifer Protection Program of the San Antonio Regional Office at 210/403-4024.

Sincerely,



*for* Glenn Shankle  
Executive Director  
Texas Commission on Environmental Quality

GS/JKM/eg

Enclosures: Deed Recordation Affidavit, TCEQ-0625  
Change in Responsibility for Maintenance on Permanent BMPs, TCEQ-10263

fc/cc: Mr. Michael Sepeda, P.E., Moy Civil Engineers  
Mr. Michael Short, City of New Braunfels  
Mr. Tom Hornseth, Comal County  
Mr. Robert J. Potts, Edwards Aquifer Authority  
TCEQ Central Records