

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

October 4, 2005

Mr. Dale Davis
Davis Net Lease 1 L.P.
2300 W. Pike, Suite 200
Weslaco, Texas 78596

Re: Edwards Aquifer, Comal County

NAME OF PROJECT: Tractor Supply (Davis Net Lease 5.85 Acres); Located south and west of the intersection of SH 46 and US 281 North, Bulverde, Texas

TYPE OF PLAN: Notification of Field Changes to Approved Water Quality Basin; Contributing Zone Plan; 30 Texas Administrative Code (TAC) Chapter 213, Subchapter B; Edwards Aquifer Protection Program File No. 2277.02, Regulated Entity No. RN104378567, Investigation No. 405557

Dear Mr. Davis:

On July 20, 2005, the Texas Commission on Environmental Quality (TCEQ) received the notification of the following changes to the approved water quality basin at the referenced site. Additional information was received on July 20, 2005.

As presented, the basin will be relocated approximately 10' to the East, the elevations decreased, and the bypass structure revised, resulting in an increase in capture volume of 364 cubic feet and sand filter area of 234 square feet.

The TCEQ will consider these to be field changes and the revised plans will be placed in the file. Should clarification of this letter be desired or if we may be of any other assistance, please contact John Mauser of our San Antonio office at 210/403-4024. Please reference project numbers 2277.02.

Sincerely,

A handwritten signature in black ink that reads "Bobby D. Caldwell".

Bobby D. Caldwell
Water Section Manager
San Antonio Region Office

BDC/JKM/eg

fc: Mr. J. Keith Schauer, P.E., Doucet & Associates, Inc.
Mr. William J. Cole, City of Bulverde
Mr. Tom Hornseth, Comal County
cc: Mr. Robert J. Potts, Edwards Aquifer Authority
TCEQ Central Records, MC 212

REPLY TO: REGION 13 • 14250 JUDSON RD. • SAN ANTONIO, TEXAS 78233-4480 • 210/490-3096 • FAX 210/545-4329

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: www.tceq.state.tx.us

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 18, 2005

Mr. Dale Davis
Davis Equity Realty
2300 W Pike
Weslaco, TX 78596

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: Tractor Supply (Davis Net Lease 5.85 acres); Located south and west of the intersection of SH 46 and US 281; Bulverde, Texas
TYPE OF PLAN: Request for Approval of a Contributing Zone Plan (CZP); 30 Texas Administrative Code (TAC) Chapter 213 Subchapter B Edwards Aquifer
Edwards Aquifer Protection Program File No. 2277.00
Regulated Entity Number: RN104378567
Investigation ID: 351013

Dear Mr. Davis:

The Contributing Zone Plan application for the referenced project was submitted to the San Antonio Regional Office by Matt Johnson, P.E. of Pape-Dawson Engineers, Inc. on behalf of Davis Equity Realty on January 12, 2005. 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 Contributing Zone Plan. A motion for reconsideration must be filed no later than 20 days after the date of this approval letter. *This approval expires two (2) years from the date of this letter unless, prior to the expiration date, more than 10% of the construction has commenced on the project or an extension of time has been requested.*

PROJECT DESCRIPTION

The proposed commercial project will be located on 5.85 acres. The initial development will consist of two buildings, parking, driveways, sidewalks, and utilities on 4.243 acres. Future development on the remaining 1.608 acres will be assumed to have 96 % impervious cover or less. The proposed impervious cover for the entire development is approximately 5.16 acres (88.30 % of the total area of the site). According to the Authorization to Construct an On-site sewage Facility Permit (Number 86,184) dated, January 7, 2005, issued by the Office of the Comal County Engineer, permission has been granted for the construction of "septic tank treatment with std. trenches/beds discharge".

PERMANENT POLLUTION ABATEMENT MEASURES

To prevent pollution of stormwater runoff originating on-site or up-gradient of the site and potentially flowing across and off the site after construction, a partial sedimentation filtration basin designed using the

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TNRCC technical guidance document, *Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices* (June 1999) will be constructed. The basin is designed to provide treatment for 1.48 inches of run-off from 5.66 acres of the site with a capture volume of 36,524 cubic feet and a sand filter area of 3,840 square feet. The approved measures have been presented to meet the required 80 percent removal of the increased load in total suspended solids caused by the project.

SPECIAL CONDITIONS

- I. The sedimentation/filtration basins shall be operational prior to occupancy of any of the facilities on the site.
- II. All sediment and or media removed from the sedimentation/filtration basins during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335 as applicable.
- III. The owner/developer must submit a revised and updated site plan to the San Antonio Regional Office of the TCEQ, prior to regulated activities commencing on the 1.608 acres identified on the site plan as future development. The site plan should include temporary erosion and sedimentation controls; proposed and existing building areas; a confirmation of the total impervious cover and illustrate how runoff from the 1.608 acres will reach the sedimentation filtration basin.
- IV. Intentional discharges of sediment laden stormwater are not allowed. If dewatering excavated areas becomes necessary, a plan for removing at least 80% of the sediment load from the discharge must be designed by a Texas Licensed Professional Engineer and submitted to the San Antonio Regional Office prior to initiating any discharges. The plan must propose how the discharge will be filtered through appropriately selected temporary best management practices. These include vegetative filter strips, sediment traps, rock berms, silt fence rings, etc.
- V. Within 60 days of receiving written approval of this Edwards Aquifer protection plan, the applicant must submit to the San Antonio Regional Office, proof that this notice has been recorded in the county deed records, with the volume and page number(s) of the records in the county in which the property is located. A description of the property boundaries shall be recorded with this notice in the county deed records. A suggested form (Deed Recordation Affidavit, TNRCC-0625) that you may use to deed record the approved plan is enclosed.
- VI. Regulated activities identified during a complaint investigation confirmed construction without the prior approval of the Contributing Zone Plan as required by Commission rules (30 TAC Chapter 213). Therefore, the applicant is hereby advised that the after-the-fact approval of the development, as provided by this letter, shall not absolve the applicant of any prior violations of Commission rules related to this project, and shall not necessarily preclude the Commission from pursuing appropriate enforcement actions and administrative penalties associated with such violations, as provided in 30 TAC §213.10 of Commission rules.
- VII. Any use of this commercial property, other than retail stores, restaurants, and office space, shall require prior approval from the regional office of the TCEQ and may require submittal and approval of a Contributing Zone Plan Modification.

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. 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 Contributing Zone Plan and this notice of approval shall be maintained at the project until all regulated activities are completed.
3. Any modification to the activities described in the referenced CZP 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.
4. The applicant must provide written notification of intent to commence construction 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 name of the approved plan and file number for the regulated activity, the date on which the regulated activity will commence, and the name of the prime contractor with the name and telephone number of the contact person.
5. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved Storm Water Pollution Prevention Plan (SWPPP) 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.

During Construction:

6. During the course of regulated activities related to this project, the applicant or his agent shall comply with all applicable provisions of 30 TAC Chapter 213, Edwards Aquifer. The applicant shall remain responsible for the provisions and conditions of this approval until such responsibility is legally transferred to another person or entity.
7. 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 significantly reduced. 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).
8. 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.
9. 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.

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After Completion of Construction:

10. Owners of permanent BMPs and measures must insure that the 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 San Antonio Regional Office within 30 days of site completion.
11. 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. Such 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.
12. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Contributing Zone Plan. If the new owner intends to commence any new regulated activity on the site, a new Contributing Zone 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.
13. A Contributing Zone Plan approval or extension will expire and no extension will be granted if more than 50% of the total construction has not been completed within ten years from the initial approval of a plan. A new Contributing Zone 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.
14. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the aquifer is protected from potential contamination.

If you have any questions or require additional information, please contact Lynn M. Bumgardner of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4023.

Sincerely,



Glenn Shunkle
Executive Director
Texas Commission on Environmental Quality

GS/lmb

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

fc: Mr. Matt Johnson, P.E., Pape-Dawson Engineers, Inc.
The Honorable William J. Cole, City of Bulverde
Mr. Tom Hornseth, Comal County
cc: TCEQ Central Records, Building F, MC 212