

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



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

July 8, 1997

Dr. Marshall K. Warren, D.D.S.  
1099 North Walnut  
New Braunfels, TX 78130

Re: EDWARDS AQUIFER, Comal County  
PROJECT: Dr. Marshall K. Warren's Dental Office, Project number 437, Located at  
1532 North Walnut Ave., New Braunfels, Texas  
TYPE: Request for Approval of Water Pollution Abatement Plan (WPAP); 30  
Texas Administrative Code (TAC) §213.5(b); Edwards Aquifer Protection  
Program

Dear Dr. Warren:

The Texas Natural Resource Conservation Commission (TNRCC) has completed its review of the WPAP application for the referenced project that was submitted by Steven Schultz of The Schultz Group, Inc. on behalf of Dr. Marshall K. Warren to the San Antonio Regional Office on December 6, 1996. Final review of the WPAP submittal was completed after the original application was revised and resubmitted on June 2, 1997. The WPAP proposed in the application is in general compliance with 30 TAC §213.5(b); therefore, approval of the plan is hereby granted subject to applicable state rules and the conditions in this approval letter. *This approval expires two (2) years from the date of this approval unless, prior to the expiration date, construction has commenced on the project or an extension of time has been requested.*

### PROJECT DESCRIPTION

The proposed commercial project will have an area of 0.47 acres and will consist of the construction of an office building which will be utilized as a dentist's office. Additionally, approximately 10,519 square feet of associated parking will be constructed to accommodate patrons. Project wastewater will be disposed of by conveyance to the existing Gruene Road Sewage Treatment Plant owned by the City of New Braunfels. The proposed impervious cover for the development is approximately 0.33 acres (69.51%). The site is located within the City of New Braunfels, and must conform with applicable codes and requirements of the City of New Braunfels.

REPLY TO: REGION 13 • 140 HEIMER RD., SUITE 360 • SAN ANTONIO, TEXAS 78232-5042 • AREA CODE 210/490-3096

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### GEOLOGY ON SITE

According to the geologic assessment included with the submittal, there were no sensitive features located on the proposed project site.

The San Antonio Regional Office site inspection of May 5, 1997, revealed no sensitive features on the proposed project site as indicated in the submittal.

### GEOLOGY DOWNGRADIENT OF SITE

According to the geologic assessment included with the submittal, there was a total of nine (9) sensitive features located downgradient from the proposed project site. These features consisted of fractured rock outcroppings, a fault zone, and one cave. According to the geologist these features ranged in sensitivity from "none" to "moderate" with respect to their ability to accept surface infiltration.

### PERMANENT POLLUTION ABATEMENT MEASURES

The following measure will be taken to prevent pollution of stormwater originating on-site or up-gradient from the project site and potentially flowing across and off the site after construction:

- A. The partial sedimentation/filtration basin is designed in accordance with the City of Austin's Environmental Development Criteria Manual and is sized to capture the first ½ inch of stormwater run-off from 0.32 acres, providing a total capture volume of 930 cubic feet. The filtration system will consist of:
  1. 120 square feet of sand, which is 18" inches thick,
  2. an underdrain piping wrapped with geotextile membrane, and
  3. an impervious liner.

### SPECIAL CONDITIONS

1. If any potential sensitive features are encountered during construction, a geologist shall evaluate the significance of the features. The evaluation shall include representative photographs and a description of the feature forwarded to the San Antonio office. Construction in the vicinity of the features may only continue with written approval from the TNRCC.
2. Placement of hydrocarbon or hazardous substance storage facilities regulated pursuant to 213.5(d) and 213.5(e), requires submittal of all appropriate applications with appropriate fees and must receive prior approval from the TNRCC.

Dr. Marshall K. Warren  
July 8, 1997  
Page 3

3. The sedimentation/filtration basins are designed in accordance with the City of Austin design criteria. The basins will incorporate sedimentation and filtration as described above.
4. A formal maintenance plan and schedule for all permanent pollution abatement measures shall be submitted to the San Antonio office for review and possible modification prior to completion of construction. The plan shall include a responsible party and the anticipated cleaning schedule. Upon approval, the plan shall be implemented in accordance with the approved schedule.
5. All permanent pollution abatement measures shall be operational prior to completion of construction.
6. Any use of this commercial property, other than retail stores, restaurants, and office space, shall require prior approval from the regional office of the TNRCC and may require submittal and approval of a WPAP.

#### STANDARD CONDITIONS

1. During the course of regulated activities related to this project, the applicant or his agent shall comply with all applicable provisions of 30 TAC Chapter 213, Edwards Aquifer. The applicant shall remain responsible for the provisions and conditions of this approval until such responsibility is legally transferred to another person or entity, upon which that person or entity shall assume responsibility for all provisions and conditions of this approval.
2. Any modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a WPAP to amend this approval, including the payment of appropriate fees and all information necessary for its review and approval.
3. Prior to commencing any regulated activity, the applicant or his agent must notify the San Antonio Regional Office in writing of the date on which the regulated activity will begin.
4. The applicant or his agent shall record this WPAP approval in the county deed records within 30 days of receiving this notice of approval and prior to commencing any regulated activity at the project location. Proof of deed recordation shall be submitted to the San Antonio Regional Office. A suggested format that you may use to deed record the approved WPAP is enclosed.

Dr. Marshall K. Warren

July 8, 1997

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5. All contractors conducting regulated activities at the project location shall be provided a copy of this notice of approval. At least one complete copy of the approved WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.
6. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved WPAP, must be installed prior to construction and maintained during construction. Temporary E&S controls may be removed when vegetation is established and the construction area is stabilized. If a water quality pond is proposed, it shall be used as a sedimentation basin during construction. The TNRCC may monitor stormwater discharges from the site to evaluate the adequacy of temporary E&S control measures. Additional controls may be necessary if excessive solids are being discharged from the site.
7. If any significant recharge feature [sensitive feature] is discovered during construction, all regulated activities near the feature must be suspended immediately. The applicant or his agent must immediately notify the San Antonio Regional Office of the discovery of the feature. Regulated activities near the feature may not proceed until the executive director has reviewed and approved the methods proposed to protect the feature and the aquifer from potential adverse impacts to water quality.
8. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the aquifer is protected from potential contamination.
9. Approval of the design of the sewage collection system for this proposed project shall be obtained from the TNRCC prior to commencement of construction of any sewage collection system.
10. Any abandoned wells shall be plugged in accordance with 30 TAC §338 or an equivalent method, as approved by the Executive Director.  
  
Any drill holes resulting from core sampling on-site or down-gradient of the site shall be plugged with native soil, from the bottom of the hole to the top of the hole, so as to not allow water or contaminants to enter the subsurface environment.
11. Pursuant to §26.136 of the Texas Water Code, any violations of the requirements in 30 TAC §213 may result in administrative penalties.

Dr. Marshall K. Warren  
July 8, 1997  
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12. A formal maintenance plan and schedule for all permanent abatement measures shall be signed by the responsible party and submitted to the San Antonio Regional Office for review and possible modification prior to completion of construction.

If you have any questions or require additional information, please contact Tom Gutierrez of the Edwards Aquifer Protection Program at 210/490-3096. Reference project number 437.

Sincerely,



Dan Pearson  
Executive Director

DP/TG/eg

Enclosure: Deed Recordation Affidavit

cc: Steven Schultz, The Schultz Group, Inc.  
Harry Bennett, City of New Braunfels  
Clarence Bolner, City of New Braunfels  
Mike Shands, City of New Braunfels  
Tom Hornseth, Comal County  
Greg Ellis, Edwards Aquifer Authority  
TNRCC Field Operations, Austin

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



TNRCC Copies.

## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

**RECEIVED**

**JAN 08 1997**

COUNTY ROAD DEPT.

January 3, 1997

CERTIFIED MAIL N° P 334 785 216  
RETURN RECEIPT REQUESTED

Dr. Marshall K. Warren, D.D.S.  
1099 North Walnut  
New Braunfels, TX 78130

Re: EDWARDS AQUIFER, Comal County  
PROJECT: Dr. Marshall K. Warren's Dental Office, Located 1532 North Walnut Ave., New Braunfels, Texas.  
TYPE: Request for Approval of Water Pollution Abatement Plan; 30 Texas Administrative Code (TAC) §313.4; Edwards Aquifer Protection Program.

Dear Dr. Warren:

The Texas Natural Resource Conservation Commission (TNRCC) received an application for the referenced project that was submitted on behalf of Dr. Marshall K. Warren by Stephen Schultz and received by the San Antonio office on December 6, 1996.

The original and one (1) copy of the referenced application are being returned to your agent, Stephen Schultz, because the application has been determined to be **TECHNICALLY INADEQUATE**. Inadequate items(s) have been indicated on the "red-lined" copy. Furthermore, the stormwater treatment device identified as "Stormceptor" has been previously approved by the TNRCC by letter dated June 14, 1996 (*First Commercial Bank Seguin approval letter*). As indicated in the letter, further installations of any Stormceptor units **shall not be considered** by the TNRCC until finalized and conclusive experimental data have been evaluated and indicate that Stormceptor units treat on-site stormwater adequately.

Applicants are responsible for resubmitting a signed original and three (3) copies of the technically adequate application, as well as returning the "red-lined" copy, within **30 days** of receipt of this letter. If an administratively complete application is not received within 30 days then this application will be denied and a new application and fee must be submitted.

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Dr. Marshall K. Warren  
January 3, 1997  
Page 2

Should clarification of this letter be desired or if we may be of any other assistance, please contact Tom Gutierrez of our San Antonio office at 210/490-3096.

Sincerely,

A handwritten signature in cursive script that reads "Bobby D. Caldwell". The signature is written in black ink and is positioned above the typed name.

Bobby D. Caldwell,  
Water Program Manager

BDC/TG/eg

cc: Steven Schultz, The Schultz Group  
Mike Shands, City of New Braunfels  
Tom Hornseth, Comal County  
Rick Illgner, Edwards Aquifer Authority  
TNRCC Field Operations, Austin

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



TNRCC Corresp.

RECEIVED

JUL 09 1997

COUNTY ROAD DEPT.

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July 8, 1997

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Dr. Marshall K. Warren

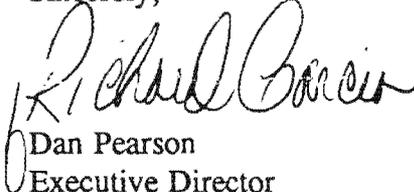
July 8, 1997

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Sincerely,



Dan Pearson  
Executive Director

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