

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



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TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

COUNTY ENGINEER

Protecting Texas by Reducing and Preventing Pollution

March 1, 2000

CERTIFIED MAIL N° Z 278 768 055
RETURN RECEIPT REQUESTED

Mr. Neal Olsen
Manager - Environmental Affairs
Dyno Nobel Inc.
Eleventh Floor, Crossroads Tower
Salt Lake City, Utah 84144-0103

Re: EDWARDS AQUIFER, Comal County
PROJECT: Dyno Nobel Site, Project numbers -1769.01 (& -1770), Located approximately 2½ miles north of IH-35 and 2 miles east of Solms Road, New Braunfels, Comal County, Texas
TYPE: Water Pollution Abatement Plan; 30 Texas Administrative Code (TAC) §213.5(b); Edwards Aquifer Protection Program

Dear Mr. Olsen:

The Texas Natural Resource Conservation Commission (TNRCC) received your two phase request to relocate two existing ammonium nitrate storage bins located on the referenced site. The request was submitted on behalf of Dyno Nobel Inc. and received by the San Antonio office on February 22, 2000. As understood, remediation efforts for a recent diesel spill require you to remove and relocate the existing bins, and you wish to continue serving your customers.

The TNRCC agrees that your remediation efforts should continue and hereby approve the temporary relocation of the ammonium nitrate storage bins as described in your letter dated February 22, 2000 (enclosed).

Permanent relocation of the ammonium nitrate storage bins is a modification to the water pollution abatement plan approved by letter dated July 26, 1993, to your predecessor (Strawn Explosives), and requires prior approval from the TNRCC. The Edwards Aquifer Protection Program rules (30 TAC Chapter 213) and appropriate application forms are available at "<http://www.tnrcc.state.tx.us/EAPP>" on the Internet. They are also available by request from the San Antonio Regional Office of the TNRCC.

The water pollution abatement plan (WPAP) approval letter dated July 26, 1993, (enclosed), has been reviewed and the following information is requested:

1. Proof of deed recordation (Standard Condition #1).
2. Construction notification (Standard Condition #2).

REPLY TO: REGION 13 • 140 HEIMER RD., STE. 360 • SAN ANTONIO, TEXAS 78232-5042 • 210/490-3096 • FAX 210/545-4329

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

printed on recycled paper using soy-based ink

Mr. Neal Olsen
March 1, 2000
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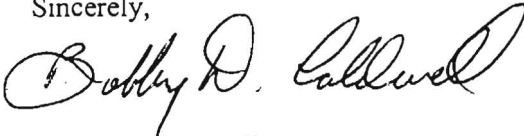
3. Copy of TNRCC (formerly Texas Water Commission) authorization for current access road to site.

The aboveground storage tank (AST) plan approval letter dated July 5, 1993, (misdated July 5, 1992) (enclosed), has been reviewed and the following information is requested:

1. Date of construction of originally approved AST containment structure by Strawn Explosives, Inc.
2. "As-built" plans (Special Condition #3).
3. Written statement from Strawn Explosives, Inc. certifying that the containment has been installed as approved.
4. Date of reconstruction of AST containment structure by Dyno Nobel.
5. Internal dimensions and total volume of the containment structure
6. Copy of the TNRCC's approval letter for any modifications per Standard Condition #4.
7. Construction notification (Standard Condition #6).
8. Date of transfer of ownership of Strawn Explosives to Dyno Nobel, Inc (Standard Condition #8).

Please provide the requested information by March 24, 2000. 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 -1769.01 (& -1770).

Sincerely,



Bobby D. Caldwell,
Water Section Manager
San Antonio Region Office
Texas Natural Resource Conservation Commission

BDC/JKM/eg

Enclosures: 2/22/2000 letter from Dyno Nobel to TNRCC
7/26/93 WPAP approval letter from TWC to Strawn Explosives, Inc.
7/5/93 AST approval letter (misdated 7/5/92) from TWC to Strawn Explosives, Inc.

cc with enclosures:

David Mims, Dyno Nobel Inc.
Tom Hornseth, Comal County
Greg Ellis, Edwards Aquifer Authority
TNRCC Field Operations, Austin

John Hall, Chairman
Pam Reed, Commissioner
Peggy Garner, Commissioner



TEXAS WATER COMMISSION

PROTECTING TEXANS' HEALTH AND SAFETY BY PREVENTING AND REDUCING POLLUTION

July 26, 1993

Mr. J.R. McHugh
Strawn Explosives, Inc.
1331 W. Airport Freeway, #304
Euless, Texas 76040

Re: EDWARDS AQUIFER, Comal County
PROJECT: Strawn Explosives - Parker-LaFarge Site, Located
Approximately 2 Miles East of Solms Road & 2 Miles
North of IH-35, New Barunfels, Texas.
TYPE: Water Pollution Abatement Plan, 31 Texas
Administrative Code (TAC) 313.4, Edwards Aquifer
Protection Program

Dear Mr. McHugh:

On June 16, 1993 District 8 received your request for information about regulated activities on the Edwards Aquifer Recharge Zone. You propose to upgrade your existing facility with an unloading auger, a bucket elevator, and two 60-ton ammonium nitrate bins.

Existing facilities at the subject site include one unloading facility, six (6) tanker trucks, each capable of storing 45,000 pounds of ammonium nitrate, and a bagging plant.

As defined in 31 TAC §313.3 "regulated activity" does not include "routine maintenance of existing structures that does not involve additional site disturbance...." As presented, additional site disturbance will be limited to the concrete pads (approximately 15' x 15' each) for the ammonium nitrate bins.

APPROVAL

The plan for this project has been reviewed for compliance with 31 TAC §313.4 which sets forth pollution abatement criteria for any development on the recharge zone of the Edwards Aquifer. The proposed modifications to the existing site are in general agreement with 31 TAC §313.4; therefore, approval of the plan is hereby granted subject to the specific conditions listed below.

Failure to comply with any of the following conditions, the deed recordation requirement, or any other specific conditions of approval is a violation of these rules. Pursuant to §26.136 of the Texas Water Code, any violations of the Edwards Aquifer Rules may result in administrative penalties of up to \$10,000 for each act of violation and for each day of violation.

REPLY TO: DISTRICT 8 / 140 HEIMER RD., SUITE 360 / SAN ANTONIO, TEXAS 78232-5042 / AREA CODE 512/490-3096

SPECIAL CONDITIONS

1. Erosion control measures shall be placed downgradient of the proposed project during construction.

STANDARD CONDITIONS OF APPROVAL

1. Please be reminded that 31 TAC §313.4(c) requires the owner/developer to: (1) record in the county deed records that this property is subject to the approved WPAP; and (2) submit to the Executive Director through the District 8 Office, within 30 days of receiving this written notice of approval of the water pollution abatement plan and prior to commencing construction, proof of application for recordation of notice in the county deed records. Enclosed is a suggested format you may be used to deed record your approved WPAP.
2. Prior to commencing construction, the applicant/agent shall submit to the District 8 Office copies of any changes made to the plans and specifications for this project which have been required by the TWC review and/or all other permitting authorities.
3. Please note, following this approval of the regulated activities described in the referenced WPAP submittal, any amendment to these activities required by some other regulating authority or desired by the applicant will require the submittal of a WPAP application to amend this approval. And, as indicated in 31 TAC §313.4 and 31 TAC §313.27, an application to amend any approved regulated activity shall include payment of appropriate fees and all information necessary for its review and Executive Director approval.
4. Additionally, all contractors conducting regulated activities associated with this proposed regulated project shall be provided with copies of this approval letter and the entire contents of the submitted WPAP so as to convey to the contractors the specific conditions of this approval. During the course of these regulated activities, the contractors shall be required to keep on-site copies of the WPAP and this approval letter.
5. The temporary erosion and sedimentation (E&S) controls for the entire project shall be installed prior to beginning any other construction work on this project.
6. The appropriate E&S control(s) that shall be used during the construction of the project should be determined as follows: (1) **Silt fences** should be used when the drainage area is less than 2 acres and the slope is less than 10%. (2) **Rock berms with filtration** should be used when the drainage areas are greater than two acres or when the slopes are in excess of

- 10%. The bottom edge of the filter fabric must be buried a minimum of 6 inches below grade.
7. The TWC may monitor stormwater discharges from the site to evaluate the adequacy of the temporary erosion and sedimentation control measures. Additional protection may be necessary if excessive solids are being discharged from the site.
 8. Also, 31 TAC §313.4(d)(2) requires that if any significant recharge features, such as solution openings or sinkholes, are discovered during construction, all regulated activities near the significant recharge feature must be suspended immediately and may not be resumed until the Executive Director has reviewed and approved the methods proposed to protect the aquifer from any potential adverse impacts. Upon discovery of the significant recharge features, the developer shall immediately notify the District 8 office.
 9. Upon completion of the project, the applicant shall reseed or sod all areas disturbed during construction.
 10. If any abandoned wells exist on the site or are found during construction of the proposed development, they shall be plugged in accordance with the local underground water conservation district's plugging procedures, if applicable, or 31 TAC §287.50(a) of this title (relating to Standards for Plugging Wells that Penetrate Undesirable Water Zones), or an equivalent method, as approved by the Executive Director. Pursuant to 31 TAC §287.48(e), the person that plugs such a well shall, within 30 days after plugging is complete, submit a Water Well Completion and Plugging Report to the Executive Director, through the District 8 Office and to the Edwards Underground Water District.

Any drill holes resulting from core sampling on-site or down-gradient of the site shall be plugged with cement slurry, 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.

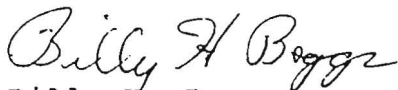
11. No waste-disposal wells, new confined animal feeding operations, land disposal of Class I wastes, or use of sewage holding tanks as parts of organized collection systems shall be allowed on the recharge zone of this regulated development.
12. During the course of the construction related to the referenced regulated project, the owner/developer shall comply with all applicable provisions of 31 TAC §313.4. Construction which is initiated and abandoned, or not completed, shall be returned to a permanent condition such that groundwater in the Edwards Aquifer is protected from potential contamination. Additionally, Strawn Explosives, applicant, shall remain

Mr. Joe McHugh
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July 26, 1993

- responsible for the provisions and special 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 specific conditions of this approval.
13. Pursuant to 31 TAC §313.4(d)(1) and prior to commencing regulated activities, the applicant must provide the District 8 Office with the date on which the regulated activity will commence.
 14. Please note that 31 TAC §313.4(g) states that this approval expires two years from this date unless, prior to the expiration date, construction has commenced on the regulated project.
 15. Approval of the design of the sewage collection system for this proposed subdivision shall be obtained from the Texas Water Commission prior to the commencement of construction of any sewage collection system, the design of which shall be in accordance with 31 TAC §313.5 and 31 TAC §317.
 16. The developer shall ensure that construction debris, such as but not limited to scrap wood, bricks, paint, adhesives, containers, paper, etc. is disposed of properly at an authorized landfill off of the Edwards Aquifer Recharge Zone.
 17. If asphaltic materials such as "seal coat", emulsion or other asphaltic products used for paving, roofing, etc. wash off or leave the project site the developer shall notify the Texas Water Commission immediately and commence clean-up.

If you have any questions or require additional information, please contact a representative of the Edwards Aquifer Protection Program at the District 8 Office (210) 490-3096.

Sincerely,



Billy H. Boggs,
District Manager

Attachment

BHB-JKM/jkm

cc: EUWD
Tom Hornseth - Comal County Engineer

John Hall, Chairman
Pam Reed, Commissioner
Peggy Garner, Commissioner



TEXAS WATER COMMISSION

PROTECTING TEXANS' HEALTH AND SAFETY BY PREVENTING AND REDUCING POLLUTION

July 5, 1992

Mr. J.R. McHugh
Strawn Explosives, Inc.
1331 W. Airport Freeway, #304
Euless, Texas 76040

Re: Edwards Aquifer, Comal County.

PROJECT NAME: Strawn Explosives - Parker-LaFarge Site,
Located Approximately Two Miles East of Solms
Road, 2½ Miles North of IH-35, New Braunfels,
Texas.

PLAN TYPE: Request for Approval of Aboveground Storage
Tank (AST) Facility Construction Plans and
Specifications; 31 Texas Administrative Code
(TAC) §313.11; Edwards Aquifer Protection
Program.

Dear Mr. McHugh:

The Texas Water Commission (TWC) has completed its review of the plans and specifications for the referenced project that were submitted by you on behalf of Strawn Explosives, Inc. and received by the District 8 Office on May 10, 1993. Final review of the AST submittal was completed after additional material was received on June 25, 1993.

The proposed AST facility is located at approximately two miles east of Solms Road, 2½ Miles North of IH-35, New Braunfels, Comal County, Texas.

A site inspection was conducted by a District 8 field investigator on April 30, 1993. The field investigator observed no features, or fractures on the site. According to the geologic assessment submitted with the application the site drains to an existing quarry. the geologic assesment reports the quarry to be a significant recharge feature.

PROJECT DESCRIPTION

The proposed AST facility consists of one (1) 2,000 gallon and one (1) 10,000 gallon aboveground hydrocarbon (diesel) storage tanks. These tanks will replace existing aboveground hydrocarbon storage tanks.

The AST's are to be contained within a covered, controlled drainage containment area with inside dimensions of 29 feet in length by 29

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feet in width by 3.5 feet in depth, yielding a total containment of greater than 150% of the total storage capacity of the facility. Stormwater should not accumulate in the controlled drainage structure.

The concrete structure shall be coated with a penetrating epoxy sealant specified in the plans (manufactured by Aluma System, Inc.), and in accordance with the manufacturer's recommendations.

APPROVAL

The plan for this AST facility has been reviewed for compliance with 31 TAC §313.11 which sets forth pollution abatement criteria for such facilities located on the recharge and transition zones of the Edwards Aquifer. The proposed pollution abatement activities are in general agreement with 31 TAC §313.11, and approval of the proposed facility is hereby granted with the specific conditions listed below.

Failure to comply with any of the following conditions or any other specific conditions of approval is a violation of these rules. Pursuant to Section 26.136 of the Texas Water Code, violations of these rules may result in administrative penalties of up to \$10,000 for each act of violation and for each day of violation.

Special Conditions

1. For the aboveground hydrocarbon storage tank site to be abandoned any necessary site remediation required by 31 TAC §334 or Chapter 26 of the Texas Water Code, shall be coordinated with the TWC's District 8 PST Section and be completed prior to installation of new equipment.
2. The only activity authorized by this letter is for the construction of controlled drainage sized to capture 1½ times the storage capacity of the facility and that directs any spillage to a point convenient for the collection and recovery of the spillage. The controlled drainage area shall be constructed of or in a material suitably impervious to the material being stored. No other construction is approved by this letter.
3. Upon completion of the proposed construction "as-built" plans as required by Item #9 below shall be provided to the District 8 Edwards Aquifer program Coordinator.
4. Upon completion of the proposed project the applicant shall provide a written statement to the District 8 Edwards Aquifer

Mr. J.R. McHugh
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Program Coordinator certifying that the modifications have been installed as approved by this letter and meet or exceed the requirements of 31 TAC §313.11.

Standard Conditions

1. For projects on the recharge zone all temporary erosion and sedimentation (E&S) controls shall be installed prior to all other construction at the site. (1) Silt fences should be used when the drainage area is less than 2 acres and the slope is less than 10%. (2) Rock berms with filtration should be used when the drainage areas are greater than two acres or when the slopes are in excess of 10%. The bottom edge of the filter fabric must be buried a minimum of 6 inches below grade.
2. The TWC may monitor stormwater discharges from the site to evaluate the adequacy of the temporary erosion and sedimentation control measures. Additional protection may be necessary if excessive solids are being discharged from the site.
3. A copy of any local construction permit should be submitted to District 8 within 30 days of the issuance of this approval.
4. Prior to commencing construction, the applicant shall submit any modifications to this approved AST facility required by some other regulating authority or desired by the applicant. To amend this approval, copies of any changes to the plans and specifications shall be submitted to this office and all other permitting authorities. As indicated in 31 TAC §313.4 and 31 TAC §313.27, an application to amend any approved regulated activity shall include payment of appropriate fees and all information necessary for its review and Executive Director approval.
5. All contractors conducting regulated activities associated with this proposed regulated development shall be provided with copies of this approval letter and the entire contents of the submitted AST Plans & Specifications so as to convey to the contractors the specific conditions of approval. During the course of regulated activities, the contractors shall be required to keep on-site copies of the AST Plans and this approval letter.
6. Pursuant to 31 TAC §313.4(d)(1), prior to commencing construction, the applicant must notify the District 8 Office in Austin when the regulated activity will commence.

Mr. J.R. McHugh


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7. 31 TAC §313.4(d)(2) requires that if any significant recharge features, such as solution openings or sinkholes, are discovered during construction or core sampling, all regulated activities near the significant recharge feature must be immediately suspended and may not proceed until the Executive Director has reviewed and approved the methods proposed to protect the aquifer from any potential adverse impacts. Upon discovery of the significant recharge features, the developer shall immediately notify the District 8 Office.
8. During the life of the aboveground storage tank facility, the owner/developer shall comply with all applicable provisions of 31 TAC §313.11. Additionally, Strawn Explosives, Inc., applicant, shall remain responsible for the provisions and special conditions of this approval until such responsibility is legally transferred to another person or entity, upon which that person or entity shall assume all responsibility for provisions and specific conditions of this approval.
9. An "as-built" site plan for the facility shall be drawn to scale and in sufficient detail to depict the specific locations and dimensions of all major components of the storage system. A copy of such "as-built" site plan and construction drawings, as well as operating instructions for all major system components shall be maintained in a secure location at the site of the proposed facility. This information shall be available for examination by TWC personnel.
10. The owner of the proposed facility shall assure that the storage tank system is installed, operated, and maintained in full compliance with the applicable provisions of 31 TAC §313.11 and 31 TAC §334, and all local, state, and federal regulations.

If you have any questions or require additional information, please contact a representative of the Edwards Aquifer Protection Program at the District 8 Office in Austin (512) 463-7803.

Sincerely,



Billy H. Boggs,
District Manager, for

Tony Grigsby
Executive Director

BHB-JKM/jkm

Mr. J.R. McHugh

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July 5, 1993

cc: Kleck Environmental

Mike Shands, Director of Planning, City of New Braunfels

Carter Casteel, County Judge, Comal County

Sharron Timmermann, Comal County Subdivision Coordinator

Russell L. Masters, Edwards Underground Water District

John Mauser, District 8 Office, TWC

Hank Smith, Edwards Aquifer Coordinator, TWC

TWC - Central Records (with attachment)

Dyno Nobel Americas

DYNO
Dyno Nobel

Telefax

To: John Mauser
Company: TNRCC
Fax: 210 545 4329

From: Neal Olsen, Manager - Environmental Affairs
Date: 22 February 2000
Pages: 2 (including cover)

Dyno Nobel - Temporary Ammonium Nitrate Facility

Please see following request. E-mail of same also transmitted.

DYNO NOBEL INC.
Corporate Office
Eleventh Floor
Crossroads Tower
Salt Lake City, Utah
84144-0103 USA

Telephone: 801-384-4800
Fax: 801-328-6452

Neal Olsen on 02/22/2000 11:38:17 AM



To: jmauser@tnrcc.state.tx.us@DynoIndExtAM
cc: Bill Garson III/DNA/AM/DynoInd@DynoInd, dkmims98@aol.com@DynoIndExtAM

Subject: Dyno Nobel - Temporary Ammonium Nitrate Facility

Dear Mr. Mauser:

As you are aware, the present ANFO bins at the New Braunfels, Texas site are currently in use and the soils underneath the bins are in need of remediation. Without the bins, or suitable replacement, we would not be able to service the CEMEX mine. The purpose of this correspondence is to inform you of a proposed replacement for the ANFO bins that will allow the remediation effort currently underway at the New Braunfels site to continue.

We propose a two phase approach (near- and long-term) for the replacement of the ANFO bins. For the near-term, we propose to establish a temporary ammonium nitrate storage facility near the present facility that will allow us to continue with the remediation effort. For the long-term, we will seek the installation of permanent ammonium nitrate bins or the utilization of rail transportation facilities to fulfill our needs. Our proposal for the temporary ammonium nitrate storage facility is as follows:

- Locate a temporary ammonium nitrate (not mixed with fuel oil) transfer site at the CEMEX bone yard area southwest of the current site.
- We will plastic tarp any area that could potentially be impacted by de minimis losses of ammonium nitrate during loading/unloading operations.
- A pneumatic trailer loaded with ammonium nitrate prill, and a tractor equipped with a blower will be parked within the transfer site.
- We would then load the CEMEX cement mixer trucks by blowing the ammonium nitrate from the pneumatic trailer into these trucks.
- The CEMEX cement trucks would then proceed to the CEMEX fuel depot, and the proper amount of diesel fuel would be loaded into the mixer bowl at this area.
- The trucks would then proceed to the blast area to discharge the blasting agent into the blast hole.
- The cycle would then repeat itself.
- The cement trucks would be parked at this temporary transfer site during off use.
- Any losses of ammonium nitrate will be swept up off the tarp and placed in the mixer bowl.

We respectfully request the timely approval of these temporary measures to facilitate the remediation efforts at our New Braunfels site.

As mentioned above, we will be seeking the installation of a permanent ammonium nitrate storage facility. We are now in the process of reviewing our options with regard to ammonium nitrate storage. Once finalized, we will provide complete information and plans in accordance with applicable rules and regulations.

If there are any questions or comments on this matter, please don't hesitate to contact me.

Best regards,

Neal Olsen