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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 16, 2006

Mr. Daryl Stoker, Director of Utilities  
New Braunfels Independent School District  
430 West Mill Street  
New Braunfels, Texas 78130

Re: Edwards Aquifer, Comal County  
NAME OF PROJECT: NBISD Oak Run School; 415 Timber Hollow; New Braunfels, Texas.  
TYPE OF PLAN: Request for Approval of a Water Pollution Abatement Plan (WPAP) Modification; 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer Edwards Aquifer Protection Program File No. 13-06051802

Dear Mr. Stoker:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the proposed modification of the referenced project that was submitted to the San Antonio Regional Office on behalf of the New Braunfels Independent School District (NBISD) by Hanrahan-Pritchard Engineering, Inc. on May 3, 2006. As presented to the TCEQ, the Temporary and Permanent Best Management Practices 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 modification. 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% of the construction has commenced on the project or an extension of time has been requested.*

### PROJECT DESCRIPTION

The proposed modification to the previously approved WPAP will occur on approximately 0.98 acres of the 25.27 acre site and will consist of expanding the existing school building by 10,000 square feet, adding 2,014 square feet of sidewalks, and installing associated appurtenances. A temporary construction staging area will be provided and temporary erosion and sedimentation (E&S) controls will be installed. The existing 3.94 acres (15.58 percent) of impervious cover for the development will be increased by the proposed additions to 4.21 acres (16.67 percent). No

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additional changes are proposed at this time. Project wastewater will be disposed of by conveyance to the existing North Kuehler Wastewater Treatment Plant owned by New Braunfels Utility.

#### PERMANENT POLLUTION ABATEMENT MEASURES

This school project has been designed as a low density development with an impervious cover of 16.67 percent; therefore, an exemption from the requirement of permanent best management practices (BMPs) is hereby granted. This exemption from permanent BMPs must be recorded in the county deed records (Refer to Standard Condition No. 2 below), with a notice that if the percent impervious cover increases above 20 percent or the land use changes, the exemption for the whole site may no longer apply. The current property owner must notify the San Antonio Regional Office prior to commencing any regulated activities associated with these proposed changes.

#### GEOLOGY

According to the geologic assessment included with the WPAP Modification application, no recharge features were identified within the proposed development area. A site investigation was not undertaken as a part of this review.

#### SPECIAL CONDITIONS

- I. Intentional discharges of sediment laden stormwater during construction are not allowed. If dewatering excavated areas and/or areas of accumulated stormwater becomes necessary, the discharge shall be filtered through appropriately selected temporary best management practices. These may include vegetative filter strips, sediment traps, rock berms, silt fence rings, etc.
- II. 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 the proposed tank location, size, and the design calculations for the required spill containment. Refer to Standard Condition No. 4 below.

#### 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 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. 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 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.
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.

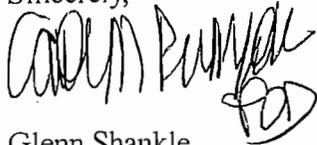
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After Completion of Construction:

14. 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 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 a member of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 490-3096.

Sincerely,



Glenn Shankle  
Executive Director  
Texas Commission on Environmental Quality

GS/jeb

Enclosure: Deed Recordation Affidavit, Form TCEQ-0625

cc: Mr. Ron Pritchard, Hanrahan-Pritchard Engineering, Inc., Austin, Texas  
Mr. Robert J. Potts, General Manager, Edwards Aquifer Authority, San Antonio, Texas  
Mr. Thomas H. Hornseth, P.E., Comal County Engineer, New Braunfels, Texas  
Mr. Michael G. Short, P.E., City Engineer, City of New Braunfels, New Braunfels, Texas  
Central Records, TCEQ Information Resources Division, Austin