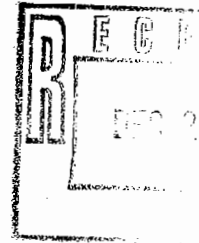




Comal County

OFFICE OF COMAL COUNTY ROAD DEPT.



November 30, 1993

Mr. Tony Grigsby
Texas Natural Resource Conservation Commission
140 Heimer Road, Suite 360
San Antonio, Texas 78232-5028

Re: Edwards Aquifer, Comal County
PROJECT: Comal County Road Department, Located @ 4931
Hwy 46, New Braunfels, Texas. #32-3710
TYPE: Approved Water Pollution Abatement Plan
(WPAP); 31 Texas Administrative Code (TAC)
313.4; Edwards Aquifer Protection Program

Dear Mr. Grigsby:

Pursuant to the referenced approved plan, please find enclosed a recorded copy of the required affidavit. Also, please be advised that we are proceeding with the regulated activity.

If you have any questions or comments concerning this matter, please feel free to contact us.

Sincerely,

Mr. Thomas H. Hornseth, P.E.
Comal County Engineer

cc: Judge Carter Casteel



(210)625-5719 / 4931 Highway 46 W./ New Braunfels, Texas 78132-3706

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AFFIDAVIT
Pollution Abatement Plan

THE STATE OF TEXAS §

COUNTY OF COMAL §

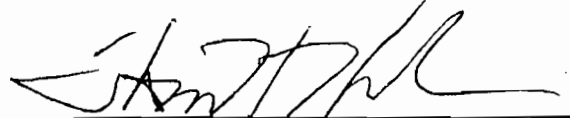
COUNTY CLERK
COUNTY OF COMAL

BY Dana H. Velasquez
NIC

BEFORE ME, the undersigned authority, on this day personally appeared **THOMAS H. HORNSETH, P.E.** who, being duly sworn by me, deposes and says:

- (1) **COMAL COUNTY** owns the real property described below.
- (2) That said real property is subject to a **WATER POLLUTION ABATEMENT PLAN** which was required under the **EDWARDS AQUIFER RULES** of the **TEXAS NATURAL RESOURCES CONSERVATION COMMISSION**.
- (3) That the **WATER POLLUTION ABATEMENT PLAN** for said real property was approved by the **TEXAS NATURAL RESOURCES CONSERVATION COMMISSION ON OCTOBER 6, 1993**.
A copy of the letter of approval from the Commission is attached to this affidavit as Exhibit A and is incorporated herein by reference.
- (4) The said real property is located in **COMAL COUNTY, TEXAS**, and the legal description of the property is as follows:

A 9.581 acre tract, being 6.531 acres of land out of the A. M. Holbrook Survey No. 423 and being described in Volume 645, Page 292 of the Deed Records of Comal County and being 3.050 acres of land out of the A.M. Holbrook Survey No. 423 and being described in Volume 645, Page 295 of the Deed Records of Comal County.



Thomas H. Hornseth, P.E.
Comal County Enineer

SWORN AND SUBSCRIBED TO before me. on this 10th day of

John Hall, *Chairman*
Pam Reed, *Commissioner*
Peggy Garner, *Commissioner*
Anthony Grigsby, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

October 6, 1993

RECEIVED

OCT 13 1993

COUNTY ROAD DEPT.

Mr. Tom Hornseth
Comal County Road Department
4931 Hwy 46
New Braunfels, Texas 78132

Re: Edwards Aquifer, Comal County
PROJECT: Comal County Road Department, Located @ 4931 Hwy
46, New Braunfels, Texas.
TYPE: Request for Approval of Water Pollution
Abatement Plan (WPAP); 31 Texas Administrative Code
(TAC) §313.4; Edwards Aquifer Protection Program.

Dear Mr. Hornseth:

The Texas Natural Resource Conservation Commission (TNRCC) has completed their review of the WPAP application for the referenced project that was submitted by Alamo Consulting Engineering & Surveying, Inc. on behalf of Comal County Road Department to the Region 13 Office on July 28, 1993. Final review of the WPAP submittal was completed after additional material was received on July 16, 1993, August 23, 1993, and October 1, 1993.

PROJECT DESCRIPTION

The proposed modifications to the existing Comal County Road Department maintenance facility are proposed:

1. Add 2,500 square foot expansion of the existing office building.
2. Expand the existing 112,400 square feet paved roads and storage yard areas by 26,500 square feet.
3. Install a truck wash with a 500 gallon sump and holding facility.
4. Construct a vehicular fueling facility with one (1) 10,000 gallon aboveground hydrocarbon storage tank (AST).
5. Grade the area around the heated emulsified asphalt storage tank site.

The existing site consists of 9.8 acres, with 2.58 acres of pavement, 0.27 acres of buildings and 6.95 acres of storage areas for road base, crushed limestone and sand. The site is located within Comal County, and will conform with applicable codes and requirements of the Comal County. Potable water will be supplied

REPLY TO: REGION 13 • 140 HEIMER RD., SUITE 360 • SAN ANTONIO, TEXAS 78232-5028 • AREA CODE 210/490-3096

Mr. Tom Hornseth
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October 6, 1993

by an existing 450 foot deep on-site water well.

The normal population of the development is estimated to be 15 persons per day. 315 gallons per day of domestic wastewater, and 20 gallons per day of water from the truck wash is to be generated by this project, 94% domestic and 6% industrial wastewater.

Wastewater for the existing project is treated by three (3) private on-site septic systems. For the proposed project, according to a July 14, 1993 letter signed by Monica Wallace, Comal County Sanitarian, "...the site has appropriate soil conditions and adequate space for the installation of the additional septic facilities which will be necessary to serve the proposed commercial improvements."

Wastewater from the truck wash will be stored in one (1) 500 gallon aboveground storage tank contained within a below grade concrete vault. The tank will be equipped with a mechanical float level indicator. When the capacity of the tank reaches 75% wastewater is to be disposed of properly by a licensed waste hauler.

The existing impervious cover for the development, approximately 2.86 acres (29.2%), includes building roof tops, driveways, and storage yards. The proposed impervious cover for the development, approximately 0.728 acres (7.4%), includes building roof tops, driveways, and storage yards. Total impervious cover will be 3.58 acres (36.6%) of the 9.8 acres.

Approximately 36 cubic feet per second of stormwater flow will be generated in a 25 year storm event from the 9.8 acre tract.

GEOLOGY ON SITE

According to the geologic assessment included with the submittal, there are three (3) potential recharge features located on the project site 1) a fault of low significance, 2) a refueling pit of high significance which is being remediated under direction of Region 13's PST section, and 3) a pad for an aboveground heated asphalt emulsion storage tank of low significance.

The Region 13 site inspection of June 16, 1993, revealed no other potential recharge features on the project site.

GEOLOGY DOWN-GRADIENT OF SITE

According to the geologic assessment included with the submittal, there are eight (8) potential recharge features located within one (1) mile downgradient of the project site. They are summarized in TABLE I below.

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TABLE I Potential Recharge Features Within One (1) Mile Downgradient of the Comal County Road Department		
#	Type	Significance
A-1	Jointing	High
A-2	Fracture Zone	High
A-3	Fracture Zone/ Solution Cavities	High
A-4	Closed Depression with Fractures	High
A-5	Closed Depression with Fractures	High
A-6	Vertical Fractures	High
A-7	Shallow Depression	Low
A-8	Shallow Depression	Low

POLLUTION ABATEMENT

I. During Construction:

The following measures 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 during construction:

- A. Stabilized construction entrances shall be installed at all sites of ingress and egress prior to initiation of any other regulated activity.
- B. Temporary erosion and sedimentation controls (silt fences and rock berms) shall be installed prior to initiation of any other regulated activity.

II. After Construction:

The following measures 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:

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- A. Upgradient stormwater will be directed around the site.
- B. On-site stormwater pollution prevention will include:
 - 1. Truck washing with collection and disposal of wash water.
 - 2. Fuel spills and equipment leaks will be stopped and cleaned up using absorbent material. Absorbent material will be disposed of properly.
 - 3. All non-paved areas are to be grassed or bermed.

III. Recharge Features:

The following measures will be taken to prevent pollutants from entering recharge features while maintaining or enhancing the quantity of water entering the recharge features identified in the geologic assessment.

- A. The one (1) significant on-site potential recharge feature noted in the Geologic Assessment will be remediated before closure.
- B. The pollution abatement measures for stormwater leaving the property are described above.

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 water pollution abatement plan is 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.

SPECIAL CONDITIONS

- 1. The vegetated filters are sized in accordance with the Lower Colorado River Authority Environmental Criteria Manual. The filtration system will consist 51,900 square feet of grass (10,000 square feet downgradient of the office, 17,400 square feet west of the proposed fueling facility, and 24,500 square

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feet on the western, downgradient corner of the 9.8 acres. Stormwater runoff will be typical of an industrial site.

2. A formal maintenance plan and schedule for the vegetated filter shall be submitted to the Region 13 Edwards Aquifer Coordinator for review and possible modification prior to completion of construction. The plan shall include a responsible party and the anticipated cleaning schedule. Upon approval by the Texas Natural Resource Conservation Commission the plan shall be implemented in accordance with the approved schedule.
3. Installation of the proposed 10,000 gallon AST shall require separate approval pursuant to 31 TAC §313.11.
4. Installation of the proposed 500 gallon truck wash sump shall require separate approval pursuant to 31 TAC §313.11.
5. Contingent upon approval of the 500 gallon truck wash sump, a float shall be installed on the 500 gallon truck wash sump. When the float indicates that the tank has reached 75% of its storage capacity the wash water shall be disposed of properly by a licensed waste hauler at a disposal site identified by the licensed waste hauler.
6. Contingent upon approval of the 10,000 gallon AST disposal of stormwater collected within the aboveground hydrocarbon storage tank containment shall be disposed of properly by a licensed waste hauler at a disposal site identified by the licensed waste hauler.

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 Region 13 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 Region 13 Office copies of any changes made to the plans and specifications for this project which have been required by the TNRCC review and/or all other permitting authorities.

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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 TNRCC 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 Region 13 office.
9. Upon completion of the project, the applicant shall reseed or sod all areas disturbed during construction.

Mr. Tom Hornseth

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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 Region 13 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, Comal County Road Department, 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 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 Region 13 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 Natural Resource Conservation Commission prior to the

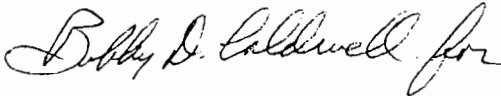
Mr. Tom Hornseth
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commencement of construction of any sewage collection system, the design of which shall be in accordance with 31 TAC §313.5 and 31 TAC §317.

- 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 Natural Resource Conservation 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 region 13 Office (210) 490-3096.

Sincerely,



J. Richard Garcia,
District Manager, for

Tony Grigsby
Executive Director

JRG-JKM/jkm

Enclosures

cc: Alamo Consulting Engineers
Monica M. Wallace, Comal County Office of Environmental Health
Sharron Timmermann, Comal County Subdivision Coordinator
Russell L. Masters, Edwards Underground Water District
John Mauser, Region 13 Office, TNRCC
TNRCC - Central Records (with attachment)

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STATE OF TEXAS
COUNTY OF COMAL

I hereby certify that this instrument was FILED
in File Number Sequence on the date and at the time
indicated herein by me and was duly RECORDED, in
the Official Public Records of said County of Comal
County, Texas on:



Jay [Signature]

NOV 30 1993

COUNTY CLERK
COMAL COUNTY

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