

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



TNRCC  
Conves.

## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

July 26, 1999

RECEIVED

JUL 29 1999

COUNTY ENGINEER

Mr. Pete Meckel  
Freedom Fellowship Church  
330 S. Hackberry  
New Braunfels, TX 78130

Re: EDWARDS AQUIFER, Comal County  
PROJECT: Freedom Fellowship Church, Project number 1257.00, Located on south side of SH 46 approximately 1.1 miles west of Loop 337, New Braunfels, Texas  
TYPE: Request for Approval of Water Pollution Abatement Plan; 30 Texas Administrative Code (TAC) §213.5(b); Edwards Aquifer Protection Program

Dear Mr. Meckel:

The Texas Natural Resource Conservation Commission (TNRCC) has completed its review of the WPAP application for the referenced project that was submitted by C.B. "Mac" McCoy, P.E. of Sumac Engineering Services, Inc. on behalf of Freedom Fellowship Church, to the San Antonio Regional Office on March 22, 1999. Final review of the WPAP submittal was completed after additional materials were received on April 26, 1999, and July 2, 1999. 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 5.0 acres and will consist of two church buildings (20,000 square feet) and associated parking (1.469 acres). Project wastewater will be disposed of by conveyance to the existing Gruene Sewage Treatment Plant owned by the City of New Braunfels. The proposed impervious cover for the development is approximately 1.928 acres (39%). The site is located within the City of New Braunfels, and must conform with applicable codes and requirements of the City of New Braunfels.

### GEOLOGY ON SITE

According to the geologic assessment (dated February 14, 1999) included with the submittal, one possibly sensitive manmade feature (a clay base for the Freedom Fellowship Church foundation) is located on the

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project site. The San Antonio Regional Office site inspection of June 3, 1999, revealed no additional geologic features. However, the following observations were made:

- A. Construction of the building pad had commenced, but was inactive at the time of the site inspection.
- B. The lateral line for the church building had been installed.
- C. Soil appeared to have been imported and placed on the east and north sides of the church pad.

#### GEOLOGY DOWNGRADIENT OF SITE

According to the geologic assessment included with the submittal, there is one possibly sensitive feature located within ½-mile downgradient of the project site.

#### PERMANENT POLLUTION ABATEMENT MEASURES

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:

- A. The on-line, enhanced extended detention basin is designed to remove total phosphorous and total suspended solids, and is designed in accordance with the 1998 edition of the LCRA Nonpoint Source Pollution Control Technical Manual and is sized to capture the first 2,250 cubic feet (0.0517 acre-feet) of stormwater run-off from five (5) acres. According to the 1998 edition of the LCRA Nonpoint Source Pollution Control Technical Manual, Page C-26, Paragraphs 4 and 5, the on-line, enhanced extended detention basin will consist of:
  - 1. An outflow structure sized to allow for complete drawdown of the water quality volume in 40 hours. No more than 50 percent of the water quality volume shall drain within the first 12 hours. The outflow structure shall be configured to provide at least 6-hour detention for the runoff from a 0.5 inch rainfall.
  - 2. The facility shall have a separate drain pipe with a manual valve that can completely or partially drain the pond for maintenance purposes. To allow for possible sediment accumulation, the submerged end of the pipe should be protected, and the drain pipe should be sized one pipe schedule higher than the calculated diameter needed to drain the pond within 24 hours. The valves should be located where they can be operated in a safe and convenient manner.
  - 3. Vegetation. The facility shall be planted and maintained to provide for a full and robust vegetative cover.
- B. The 0.70 acre vegetative filter strip is designed to remove the oil and grease component of the stormwater runoff and is designed in accordance with the on-line, enhanced extended

detention basin is designed in accordance with the 1998 edition of the LCRA Nonpoint Source Pollution Control Technical Manual. The filter strip will:

1. be contiguous with developed area,
2. be at the same elevation as the developed area,
3. have a level spreading device, and
4. be sized to filter stormwater run-off from 1.469 acres of impervious cover.

#### 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.
3. The temporary and permanent best management practices (BMPs) for the proposed project have been reviewed by the Commission's staff. As presented to the TNRCC, the BMPs were designed by a Texas Licensed Professional Engineer to be in accordance with the requirements of 30 TAC §213.5(b). Therefore, based on the Texas Licensed Professional Engineer's certification of compliance, the planning materials for construction of the proposed pollution abatement measures are hereby approved.
4. The vegetated filter and on-line, enhanced extended detention basin are designed in accordance with the 1998 edition of the LCRA Nonpoint Source Pollution Control Technical Manual. They will incorporate stormwater treatment as described above.
5. All sediment and or media removed from the basin during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335 as applicable.
6. After construction of the on-line, enhanced extended detention basin, a Texas Licensed Professional Engineer will provide certification that it was constructed to capture 2,250 cubic feet of stormwater runoff.
7. All permanent pollution abatement measures shall be operational prior to commencement of commercial operation.
8. 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.

9. The TNRCC may monitor stormwater discharges from the site to evaluate the adequacy of permanent erosion and sedimentation (E&S) control measures. Additional controls may be necessary if excessive solids are being discharged from the site.
10. Based on the June 3, 1999, on-site inspection of the project site, construction of building pad was actually initiated on or before June 3, 1999. This activity was conducted without the prior approval of the water pollution abatement plan, as required by Commission rules (30 TAC Chapter 213). Therefore, the applicant is hereby advised that the after-the-fact approval of the water pollution abatement plan, 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 §313.10 of Commission rules.
11. Provide an affidavit to the TNRCC certifying that all fill material from each source site that has been placed on the project site is inert material, as defined by 30 TAC 330.2, and free of hazardous materials, and free of all municipal solid waste, including asphalt and demolition materials. This affidavit should be based on:
  1. Phase I site assessment, or
  2. Results of testing (RCRA-8 metals and TPH).

Note #1: For petroleum-substance contaminated soil, 30 TAC 334.481 defines "clean fill" as, "Clean fill standard - Soil which is no longer considered waste, e.g. soil cleaned to less than .5 mg/kg for each constituent of BTEX, and less than 10 mg/kg for TPH."

Note #2: EPA Method 418.1 may not be available in the future, and an alternative method acceptable to the TNRCC would then be required.

Note #3: Results of a composite soil sample collected around existing structures at each source material site, evaluated for presence of chlordane. Should chlordane be present in excess of 0.493 mg/kg (per 30 TAC §335.551 to §335.569) the material shall be disposed of at an authorized landfill.

#### 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. Proof of deed recordation shall be submitted to the San Antonio Regional Office prior to commencing construction. A suggested format that you may use to deed record the approved WPAP is enclosed.
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. No wells exist on the site. Any abandoned wells shall be plugged in accordance with 16 TAC §76 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.

Mr. Pete Meckel  
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11. Pursuant to §26.136 of the Texas Water Code, any violations of the requirements in 30 TAC §213 may result in administrative penalties.

Should clarification of this letter be desired or if we may be of any other assistance, please contact John Mauser of our San Antonio Regional office at 210/403-4024. Please reference project number 1257.

Sincerely,



Jeffrey A. Saitas, P.E.  
Executive Director  
Texas Natural Resource Conservation Commission

JAS/JKM/EG

Enclosure: Deed Recordation Affidavit

cc: C.B. "Mac" McCoy, Sumac Engineering Services  
Harry Bennett, City of New Braunfels  
John Bohuslav, TxDot San Antonio District  
Tom Hornseth, Comal County  
Greg Ellis, Edwards Aquifer Authority  
TNRCC Field Operations, Austin

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



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COUNTY ENGINEER

## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

TNRCC  
Corresp.

April 7, 1999

CERTIFIED MAIL N° Z 556 295 951  
RETURN RECEIPT REQUESTED

Mr. Pete Meckel  
Freedom Fellowship Church  
330 S. Hackberry  
New Braunfels, TX 78130

Re: EDWARDS AQUIFER, Comal County  
PROJECT: Freedom Fellowship Church, Project number 1257, Located on south side of SH 46 approximately 1.1 miles west of Loop 337, New Braunfels, Texas  
TYPE: Request for Approval of Water Pollution Abatement Plan; 30 Texas Administrative Code (TAC) §213.5(b); Edwards Aquifer Protection Program

Dear Mr. Meckel:

The Texas Natural Resource Conservation Commission (TNRCC) received an application for the referenced project that was submitted on behalf of Freedom Fellowship Church by Sumac Engineering Services and received by the San Antonio Regional Office on March 22, 1999.

The original and three (3) copies of the referenced application are being returned to your agent, Sumac Engineering Services, because the application has been determined to be **ADMINISTRATIVELY INCOMPLETE**. Incomplete items(s) have been indicated on the "red-lined" copy. Applicants are responsible for resubmitting a signed original and three (3) copies of the administratively complete application, as well as *returning the "red-lined" copy*, within **15 business days** of receipt of this letter. If the application is not administratively complete when returned, this application will be denied and a new application and fee must be submitted.

Items include:

1. Questions #2, Page #2 of the WPAP section of the application has not been answered.
2. Title of the applicant should be included on the Agent Authorizations form.
3. Provide one application with the applicant's original signature.

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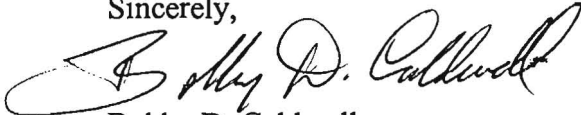
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Mr. Pete Meckel  
April 7, 1999  
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Should clarification of this letter be desired or if we may be of any other assistance, please contact John Mauser of our San Antonio Regional office at 210/403-4024. Please reference project number 1257.

Sincerely,



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

BDC/JKM/eg

cc: Mac McCoy, Sumac Engineering Services  
Harry Bennett, City of New Braunfels  
Tom Hornseth, Comal County  
Greg Ellis, Edwards Aquifer Authority