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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 9, 2007

Mr. Daryl Stoker
New Braunfels Independent School District
566 Butcher Street
New Braunfels, Texas 78130

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: NBISD Oak Run Middle School; Located north of Hwy 46, west of Loop 337; New Braunfels, Texas
TYPE OF PLAN: Request for Modification of a Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer
Edwards Aquifer Protection Program ID No. 2539.01; Investigation No. 562853; Regulated Entity No. RN104990643

Dear Mr. Stoker:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the request for modification of the approved WPAP for the above-referenced project submitted to the San Antonio Regional Office by Gil Engineering Associates, Inc. on behalf of New Braunfels Independent School District on June 1, 2007. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) 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. 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 percent of the construction has commenced on the project or an extension of time has been requested.*

BACKGROUND

The Oak Run School site is located within the 232 acre Oak Run Subdivision approved in a water pollution abatement plan on December 5, 1983 by the Texas Department of Water Resources.

The NBISD Oak Run School site was approved on July 23, 1990 for the construction of approximately 4.5 acres of impervious cover within the site boundary of 25.26 acres.

A modification of the school site was approved on August 16, 2006 for increasing the existing impervious cover of 3.94 acres to 4.21 acres (16.67 percent). The percent of impervious cover was less than twenty percent and permanent BMPs were not required for the development.

REPLY TO: REGION 13 • 14250 JUDSON RD. • SAN ANTONIO, TEXAS 78233-4480 • 210-490-3096 • FAX 210-545-4329

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

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PROJECT DESCRIPTION

The proposed commercial (school) project will increase the total site area to approximately 34.77 acres. It will include the removal of 1.33 acres of impervious cover and the construction of an additional 6.02 acres of impervious cover consisting of parking areas, driveways, and a building addition. The total impervious cover will be 8.59 acres (25%) with 3.90 acres of existing impervious cover. Project wastewater will be disposed of by conveyance to the existing North Kuehler Water Recycling Center owned by New Braunfels Utility.

PERMANENT POLLUTION ABATEMENT MEASURES

To prevent the pollution of stormwater runoff originating on-site or upgradient of the site and potentially flowing across and off the site after construction, a partial sedimentation/filtration water quality basin, designed using the TCEQ technical guidance document, "Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices" (2005) will be constructed to treat stormwater runoff. The individual treatment measures will consist of a water quality basin designed with a capture volume of 49,072 cubic feet (11,210 cubic feet required) and a sand filter area of 2,532 square feet (1,121 square feet required). The approved measures meet the required 80 percent removal of the increased load in total suspended solids caused by the project.

GEOLOGY

According to the geologic assessment included with the application, six geologic features (five closed depressions and a zone of features) exist at the project site. All the features were scored as not sensitive (<40 rating) by the project geologist. The San Antonio Regional Office did not conduct a site inspection.

SPECIAL CONDITIONS

- I. The holder of the approved Edwards Aquifer WPAP must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the application.
- II. This modification is subject to all Special and Standard Conditions listed in the WPAP approval letter dated July 23, 1990 and modification of an approved WPAP letter dated August 16, 2006.
- III. The permanent pollution abatement measure shall be operational prior to occupancy and/or use of any impervious cover (driveways or rooftops) approved to be constructed in this modification. Within 15 days of the date of this letter, provide a revised sequence of activities, to the TCEQ, in which the permanent BMP is operational before the occupancy or use of any impervious cover approved by this letter. A copy of this sequence of activities shall be included in all WPAPs kept onsite (refer to Standard Condition 3 of this letter).
- IV. Intentional discharges of sediment laden storm water are not allowed. If dewatering becomes necessary, the discharge will be filtered through appropriately selected best management practices. These may include vegetated filter strips, sediment traps, rock berms, silt fence rings, etc.
- V. All sediment and/or media removed from the water quality basin during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335, as applicable.
- VI. In addition to the rules of the Commission, the applicant may also be required to comply with state and local ordinances and regulations providing for the protection of water quality.

- VII. Only one maintenance ramp was provided for the water quality basin. Within 60 days of the date of this letter, provide to the TCEQ a detailed explanation on how basin maintenance will occur in both chambers of the basin. Include a revised BMP Maintenance, Inspection, Repair and Retrofit Plan, signed by the responsible party, which includes these details and explanation.

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 program 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. If a water quality pond is proposed, it shall be used as a sedimentation basin during construction. 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 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.

After Completion of Construction:

14. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
15. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. The regulated entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.

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16. 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 Charly Fritz of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4065.

Sincerely,


Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

GS/CEF/eg

Enclosure: Deed Recordation Affidavit, Form TCEQ-0625
Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-10263

cc: Mr. Victor Gil, P.E., Gil Engineering Associates, Inc.
Mr. Robert Potts, Edwards Aquifer Authority
Mr. Tom Hornseth, Comal County
Mr. Bruce Boyer, City of New Braunfels
TCEQ Central Records, Building F, MC 212