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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 18, 2011

Mr. Greg Angel
Angel Brothers Properties, LLC
P.O. Box 570
Baytown, TX 77522-0570

Re: Edwards Aquifer, Comal County

Name of Project: Angel Brothers – Wald Road; Located at 1993 Wald Road, New Braunfels, Texas

Type of Plan: Request for Approval of an Aboveground Storage Tank Facility (AST); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer

Edwards Aquifer Protection Program San Antonio File No. 3008.00; Investigation No. 958273; Regulated Entity No. RN106236656

Dear Mr. Angel:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the AST Application for the above-referenced project submitted to the San Antonio Regional Office by Brushy Creek Engineering on behalf of Angel Brothers Properties, LLC on September 19, 2011. Final review of the AST was completed after additional material was received on October 27, 2011 and November 14, 2011. As presented to the TCEQ, the AST Facility Plan proposed in the application was prepared to be in general compliance with the requirements of 30 TAC §213-5(e). Therefore, based on the applicant'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 approval 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.*

Project Description

The project site is located on the Edwards Aquifer Transition Zone. The proposed AST Facility Plan includes the items listed in the table below.

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

printed on recycled paper using soy-based ink

AST	Gallons	Tank Material	Contents of Tank
1	20,000	Steel	Petrodiesel
2	20,000	Steel	Petrodiesel
Total	40,000		

The described ASTs are to be placed within the containment area with inside dimensions of 98.67 feet in length by 24.67 feet in width by 3.87 feet in depth, yielding a total containment of greater than 150 percent of the total storage capacity of the facility. Any spillage will be directed to a convenient point within the containment structure for collection and recovery.

All piping, hoses and dispensers will be located inside the containment structure. Spill and overflow control for each tank and piping structures will be provided by trained personnel on site. Emergency spill and overflow control points consist of the concrete containment structure and the truck sump area. This reinforced concrete containment structure will be coated with fuel resistant epoxy resin. The truck sump area will control any overflow due to spillage during fuel transfer operations. Personnel will be on hand during all fuel transfers to and from the storage tanks.

Any stormwater accumulating inside the containment structure must be disposed of through an authorized waste disposal contractor.

The planned spill response that will take place at the facility is provided in Attachment "E" (enclosed) of the AST Facility Plan Application (Response Actions to Spills). In the event of a release or an accumulation of contaminated stormwater, the contained stormwater will be disposed of in accordance with TCEQ requirements. After each rainfall event, the structure should be visually inspected for water accumulation. Any water accumulated within the containment structure must be disposed of through an authorized waste disposal contractor.

Geology

According to the geologic assessment included with the application, the site is located on Fluvial terrace deposits (Qt) which overlies the Pecan Gap Chalk (Kpg) in this area. The site is flat with overland drainage to the southeast. No features were identified during the assessment. The San Antonio Regional Office conducted a site assessment on November 18, 2011 and observed that the geology agrees generally with what was described in the application.

Special Conditions

1. Any physical changes to the AST system and/or facility, including changing the volume or material stored, and/or the number, size, and type of tanks, may require notification and prior approval from TCEQ.

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.
2. The holder of the approved Edwards Aquifer protection plan must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the approved plan. Additional and separate approvals, permits, registrations and/or authorizations from other TCEQ Programs (i.e., Stormwater, Water Rights, UIC, PST) can be required depending on the specifics of the plan.
3. 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.

Prior to Commencement of Construction:

4. 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 AST Facility Plan is enclosed.
5. 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 AST Facility Plan and this notice of approval shall be maintained at the project location until all regulated activities are completed.
6. Prior to commencing construction, the applicant shall submit any modifications to this approved AST Facility Plan required by some other regulating authority or desired by the applicant.
7. Modification to the activities described in the referenced AST Facility Plan, including Attachment "E" of the AST Facility Plan application (Response Actions to Spills), following the date of approval may require the submittal of an Edwards Aquifer Protection Plan application to modify this approval. The payment of appropriate fees and all information necessary must be provided for its review and approval prior to initiating construction of the modifications.
8. 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.
9. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved AST Facility Plan, 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.

10. All borings with depths greater than or equal to 20 feet must be plugged with a 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:

11. 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.
12. 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.
13. No well exists 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.
14. 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.
15. 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.
16. 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.
17. 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:

18. Attachment "E" of the AST Facility Plan application (Response Actions to Spills) shall be located on-site (copy enclosed).
19. In the event of a spill, any spillage will be removed from the containment structure within 24 hours of the spill and disposed of properly. The applicant must comply with 30 TAC Chapter 334, Subchapter D, pertaining to Release Reporting and Corrective Action.
20. During the life of the AST facility, the owner shall comply with all applicable provisions of 30 TAC §213.5(e). Additionally, the owner, Angel Brothers Properties, LLC, 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 all responsibility for provisions and specific conditions of this approval.
21. 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 TCEQ personnel upon request.

If you have any questions or require additional information, please contact Mr. Lianxiang Du of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4057.

Sincerely,



Mark R. Vickery, P.G., Executive Director
Texas Commission on Environmental Quality

MRV/LD/eg

Enclosures: Deed Recordation Affidavit, Form TCEQ-0625
Attachment "E" of AST Facility Plan application (Response Actions to Spills)

cc: Mr. Aaron Pesek, P.E., Brushy Creek Engineering, LLC
Mr. Bill Thomas, Angel Brothers Enterprises, LLC
Mr. Scott Halty, San Antonio Water System
Mr. Tom Hornseth, P.E., Comal County
Mr. Karl Dreher, General Manager, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC 212

Attachment E: Response Actions to Spills

This facility plan applies to above ground storage tanks that are to contain diesel fuel for industrial and transportation uses. Please note that personnel safety should be of the utmost concern during any fuel spill. All personnel not essential to spill response should be moved away from the spill area for their safety.

Immediately During and After the Spill

Each spill is different and all opportunity should be used to safely conduct the following steps in regards to the individual situation:

1. Remove or extinguish all ignition sources including engines.
2. Identify the source of the leak if it is possible to safely inspect the area of the spill.
3. Stop the flow of the fuel if it is safe to do so (i.e. close valves/pumps contributing to the spill).
4. If the spill has been contained within the containment structure, contact an authorized waste disposal contractor for removal of the liquid.
5. If the spill is falling outside the bounds of the containment structure, attempt to contain the spill by use of soil berms and/or sorbent.
6. Supervise all containment, cleanup and repair procedures.
7. Dispose of spilled fuel and/or contaminated soil in accordance with all applicable federal and state requirements and in a manner that will not result in adverse impacts to human health and safety and the environment.

Notification is required as soon as possible (but no more than 24 hours after) for the following events:

1. If the leak is more than 25 gallons, or
2. If the leak is less than 25 gallons and cleanup cannot be accomplished within 24 hours.

Notification Requirements

Notification must be made to both State and Federal Officials.

1. Method of notification.
 - a. State Notification: The responsible person shall notify the State Emergency Response Center at (800) 832-8224.
 - b. Federal Notification: The responsible person is required to notify the National Response Center at (800) 424-8802.
 - c. The notifications shall provide, to the extent known, the information listed in Item #2.
2. Information required in initial notification. The initial notification shall provide, to the extent known, the information in the following list:
 - a. the name, address and phone number of the person making the report;
 - b. the date, time, and location of the spill or discharge;
 - c. a specific description of the fuel spilled;
 - d. an estimate of the quantity discharged or spilled;

- e. the duration of the incident;
 - f. the name of the surface water (Dry Comal Creek);
 - g. the source of the discharge or spill;
 - h. a description of the extent of actual or potential water pollution or harmful impacts to the environment and an identification of any environmentally sensitive areas or natural resources at risk;
 - i. if different from item a of this subsection, the names, addresses, and telephone numbers of the responsible person and the contact person at the location of the discharge or spill;
 - j. a description of any actions that have been taken, are being taken, and will be taken to contain and respond to the discharge or spill;
 - k. any known or anticipated health risks;
 - l. the identity of any governmental representatives, including local authorities or third parties, responding to the discharge or spill; and
 - m. any other information that may be significant to the response action.
3. Update notification. The responsible person shall notify the agency as soon as possible whenever necessary to provide information that would trigger a change in the response to the spill or discharge.
 4. Correction of records. Notifying the agency that a reportable discharge or spill has occurred shall not be construed as an admission that pollution has occurred. Furthermore, if the responsible person determines, after notification, that a reportable discharge or spill did not occur, the responsible person may send a letter to the agency documenting that determination. If the executive director agrees with that determination, the executive director will note the determination in commission records. If the executive director disagrees with that determination, the executive director will notify the responsible person within 30 days.
 5. Notification of local governmental authorities. If the discharge or spill creates an imminent health threat, the responsible person shall immediately notify and cooperate with local emergency authorities (fire department, fire marshal, law enforcement authority, health authority, or Local Emergency Planning Committee (LEPC), as appropriate). The responsible party will cooperate with the local emergency authority in providing support to implement appropriate notification and response actions. The local emergency authority, as necessary, will implement its emergency management plan, which may include notifying and evacuating affected persons. In the absence of a local emergency authority, the responsible person shall take reasonable measures to notify potentially affected persons of the imminent health threat.
 6. Notification to property owner and residents. As soon as possible, but no later than two weeks after discovery of the spill or discharge, the responsible person shall reasonably attempt to notify the owner (if identifiable) or occupant of the property upon which the discharge or spill occurred as well as the occupants of any property that the responsible person reasonably believes is adversely affected.

Other Actions Required
(within 30 working days of the spill)

- I. The responsible person shall submit written information, such as a letter, describing the details of the discharge or spill and supporting the adequacy of the response action, to

Richard Garcia, Regional Manager
TCEQ Region 13, San Antonio
14250 Judson Rd.
San Antonio TX 78233-4480

within 30 working days of the discovery of the reportable discharge or spill. The regional manager has the discretion to extend the deadline. The documentation shall contain one of the following items:

- a. A statement that the discharge or spill response action has been completed and a description of how the response action was conducted. The statement shall include the initial report, to the fullest extent possible, information listed within Item #2 of the Notification Requirements stated above. The executive director may request additional information.
- b. A request for an extension of time to complete the response action, along with the reasons for the request. The request shall also include a projected work schedule outlining the time required to complete the response action. The executive director may grant an extension up to six months from the date the spill or discharge was reported. Unless otherwise notified by the appropriate regional manager or the Emergency Response Team, the responsible person shall proceed according to the terms of the projected work schedule.
- c. A statement that the discharge or spill response action has not been completed nor is it expected to be completed within the maximum allowable six month extension. The statement shall explain why completion of the response action is not feasible and include a projected work schedule outlining the remaining tasks to complete the response action. This information will also serve as notification that the response actions to the discharge or spill will be conducted under the Texas Risk Reduction Program rules as stated within Texas Administrative Code 30, Part I, Chapter 350.