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TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

June 14, 1996

Mr. Joseph T. Hartigan
Sr. Vice-President
First Commercial Bank of Seguin
1336 E. Court Street
New Braunfels, TX 78130

Re: EDWARDS AQUIFER, Comal County
PROJECT: First Commercial Bank of Seguin, Located on the northeast side of State Highway 46 West, approximately 450 feet northwest of the intersection of State Highway 46 West. New Braunfels, Texas.
TYPE: Request for Approval of Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) §313.4; Edwards Aquifer Protection Program.

Dear Mr. Hartigan:

The Texas Natural Resource Conservation Commission (TNRCC) has completed their review of the WPAP application for the referenced project that was submitted on behalf of First Commercial Bank of Seguin by Steven Schultz of The Schultz Group and received by the San Antonio office on March 12, 1996. Final review was completed after additional material was received on March 25, 1996, April 29, 1996, May 2, 1996, and May 7, 1996.

PROJECT DESCRIPTION

The proposed 1.35 acre First Commercial Bank of Seguin is to be developed as a commercial project and will consist of the construction of a 7,856 square foot building and approximately 34,256 square feet of associated parking. The site is to be utilized only as a commercial banking facility and will not include any other form of commercial operation.

The site is located within the City of New Braunfels, and will conform with applicable codes and requirements of the City of New Braunfels.

The normal population of the development is estimated to be 15 full-time employees. Approximately 750 gallons per day of domestic wastewater is to be generated by this project. Wastewater for the proposed commercial development will be treated by a private on-site septic system.

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The proposed impervious cover for the development, approximately 0.967 acres (72%), includes roof tops, driveways, sidewalks, parking lots and streets.

GEOLOGY ON SITE

According to the geologic assessment included with the submittal, there were no significant potential recharge features associated with the proposed project site.

The site investigation of April 4, 1996 performed by the San Antonio office, revealed no potential recharge features as indicated in the submittal.

GEOLOGY DOWNGRADIENT OF SITE

According to the geologic assessment included with the submittal, there were ten (10) potential recharge features identified downgradient of the proposed project site. These features consisted of three (3) closed depressions, five (5) fractured rock outcroppings, one (1) cave, and one (1) fault zone. The features ranged in significance from "low" to "high" with respect to their combined assessment and potential for recharge.

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.
- C. The Stormceptor Unit Model 1800 shall be installed and used as a sedimentation basin.

II. After Construction:

The following measure 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 new type of pollution abatement measure has been proposed for use at this site. This innovative technology will be field tested at this site for evaluation of its effectiveness. The pollution control

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device to be installed at this site is a Stormceptor STC-1800. As presented in the WPAP, it will have an 80% removal efficiency for Total Suspended Solids (TSS) and 90% of the annual flow will be treated.

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. There were no potential recharge features identified on the proposed project site therefore no permanent pollution abatement measures to protect specific features shall be required:

APPROVAL

The plan for this project has been reviewed for compliance with 30 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 30 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 OF APPROVAL

1. If any potential recharge features are encountered during excavation and 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. The proposed pollution abatement measure for this site is a Stormceptor STC-1800. Use of this technology at this site is approved on a conditional basis only. This site shall be used as a pilot project for testing the effectiveness of this new technology. Approval of Stormceptor for use at this site does not constitute a precedent for approval of this device at any other site. Final approval is contingent upon the results of a sampling program at the site, review of other field studies, and any other pertinent information.

3. The sampling program for this site shall consist of the following:
 - a. Sampling of the site will occur for at least two (2) years and must begin within thirty (30) days of occupancy of the building.
 - b. Samples shall be collected from the inflow and outflow portions of the Stormceptor unit. Samples will consist of a composite collected during the first flush of a rainfall event in order to measure the maximum pollutant load generated from the site.
 - c. All samples shall be tested for Total Suspended Solids (TSS) by EPA Method 160.2 and Total Petroleum Hydrocarbons (TPH) by EPA Method 418.1.
 - d. Samples shall be collected at least five (5) times each year with at least four (4) weeks between each sampling event.
 - e. Samples shall only be collected during rainfall events which result in a discharge from the Stormceptor unit.
 - f. A rain gauge shall be installed on site and a record shall be kept of all rainfall events during the two (2) year sampling period.
 - g. Monthly inspections of the Stormceptor unit shall be conducted using the enclosed Inspection Record. A copy of the monthly inspection report shall be submitted to the TNRCC within ten (10) days of the inspection.
 - h. A sampling plan shall be submitted to the TNRCC for approval at least thirty (30) days prior to the start of sampling. The sampling plan shall include at least the following: 1) sampling devices to be used, if applicable; 2) location of sampling points, 3) QA/QC to be used during sampling; and 4) a general description of the sampling, inspection, and maintenance procedures.
 - i. Standard maintenance procedures, as outlined in the WPAP, shall be followed during the first year of testing. Maintenance procedures shall be modified only with prior approval from the TNRCC.
 - j. An annual report shall be submitted to the TNRCC at the end of the first year of testing documenting the sample results, rainfall events, and monthly inspections.
 - k. The TNRCC may require modification of the sampling program during the second year of testing, based on the results of the first annual report.
 - l. At the end of the two (2) year sampling period a comprehensive report documenting the results of the entire sampling program shall be submitted to the TNRCC for review.
 - m. Sampling can only be terminated with the prior approval of the TNRCC. If ten (10) samples are not collected over the two (2) year period, then the TNRCC may extend the pilot project until ten (10) samples have been collected.

4. As presented, the Stormceptor STC-1800 unit is designed to be cleaned annually with the use of a vacuum truck (similar to cleaning procedures used for septic systems) and will be checked every six (6) months to measure the amount of sediment build up and hydrocarbon storage to see if the annual cleaning schedule needs to be adjusted. During the pilot project more frequent inspections shall be conducted, as outlined above, and no changes in the yearly maintenance schedule shall be made without the prior approval of the TNRCC. All material removed from the Stormceptor unit shall be disposed of properly.
5. If the Stormceptor STC-1800 does not remove at least 70% of the TSS and TPH or the sampling program is not completed, it will be the applicant's responsibility to upgrade the existing pollution abatement measures. Any changes to the current pollution abatement measures shall require prior approval from the TNRCC and may require submittal of a modification to this WPAP with appropriate fees.
6. All permanent pollution abatement measures shall be operational prior to completion of construction.
7. 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 of a modification to this WPAP with appropriate fees.
8. Placement of hydrocarbon or hazardous substance storage facilities regulated pursuant to 313.10 and 313.11, requires submittal of all appropriate applications with appropriate fees and must receive prior approval from the TNRCC.
9. A letter signed by the New Braunfels County Sanitarian, indicating that this site is acceptable for installation of an on-site septic system, must be submitted to the TNRCC within 30 days of the date of this approval.

STANDARD CONDITIONS OF APPROVAL

1. Please be reminded that 30 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 San Antonio 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 use to deed record your approved WPAP.
2. Prior to commencing construction, the applicant/agent shall submit to the San Antonio 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.

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 30 TAC §313.4 and 30 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 and permanent erosion and sedimentation control measures. Additional protection may be necessary if excessive solids or other contaminants are being discharged from the site.
8. Also, 30 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 San Antonio office.
9. Upon completion of the project, the applicant shall reseed or sod all areas disturbed during construction.
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 30 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 30 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 San Antonio 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.

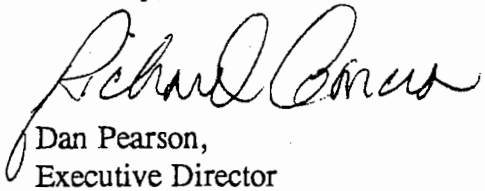
11. No waste-disposal wells, new confined animal feeding operations, land disposal of Class I wastes, or use of sewage holding tanks as parts of organized collection systems shall be allowed on the recharge zone of this regulated development.
12. During the course of the construction related to the referenced regulated project, the owner/developer shall comply with all applicable provisions of 30 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, the applicant, **FIRST COMMERCIAL BANK OF SEGUIN**, 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 30 TAC §313.4(d)(1) and prior to commencing regulated activities, the applicant must provide the San Antonio office with the date on which the regulated activity will commence.**
14. Please note that 30 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 Resources Conservation Commission prior to the commencement of construction of any sewage collection system, the design of which shall be in accordance with 30 TAC §313.5 and 30 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.

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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 TNRCC immediately and commence clean-up.
18. Each purchaser or occupant of an individual lot within this development shall be informed in writing about best management practices of pesticide and fertilizer application. The applicant may use Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Underground Water District (210/222-2204), or equivalent information produced by recognized authorities such as the Soil Conservation Service, Texas Dept. of Agriculture, U.S. Dept. of Agriculture, etc. The applicant may develop their own educational information (with review by the TNRCC prior to use).

Should clarification of this letter be desired or if we may be of any other assistance, please contact Tom Gutierrez of our San Antonio office at 210/490-3096.

Sincerely,



Dan Pearson,
Executive Director

DP/TG/eg

Enclosure: Deed Recordation Form
Inspection Record Form

cc: Steven Schultz, The Schultz Group, Inc.
Mike Shands, City of New Braunfels
Tom Hornseth, Comal County
Rick Illgner, Edwards Underground Water District
Dan Wittliff, Office of the Executive Director, TNRCC, Austin
TNRCC Field Operations, Austin