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## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

June 18, 1999

Mr. Tom Scott  
Manager  
Pinnacle Health Properties I, LLC  
2901 Dallas Parkway, #345, LB 15  
Plano, TX 75093

Re: EDWARDS AQUIFER, Comal County  
PROJECT: Kirkwood Manor Expansion, Project number 1281.00, Located on the northeast corner of Loop 337 & Hwy 46, New Braunfels, Texas  
TYPE: Request for Approval of Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) §213.5(b); Edwards Aquifer Protection Program

Dear Mr. Scott:

The Texas Natural Resource Conservation Commission (TNRCC) has completed its review of the WPAP application for the referenced project that was submitted by Stephen E. Schultz of the Schultz Group on behalf of Pinnacle Health Properties I, LLC to the San Antonio Regional Office on May 6, 1999. Final review of the WPAP submittal was completed after additional material was received on May 10, 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.*

### BACKGROUND

A water pollution abatement plan for the subject site was approved under 30 TAC 213.4(c) [formerly 31 TAC 313.3] by letter dated December 10, 1986. The existing building covers 0.94 acres. The existing parking covers 1.16 acres.

### PROJECT DESCRIPTION

The proposed commercial project will have an area of 5.613 acres and will consist of the addition of one 27,095 square foot building and 0.79 acres of parking. Approximately 0.30 acres of existing

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parking will be removed, and when complete, total parking will be 1.65 acres. Project wastewater from the existing and proposed buildings will be disposed of by conveyance to the existing Kuehler Sewage Treatment Plant owned by New Braunfels Utilities. The proposed impervious cover for the development is approximately 3.372 acres (60.05%). 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 included with the submittal, there are no geologic or manmade features located on the project site. The San Antonio Regional Office site inspection of June 10, 1999, revealed no additional features.

#### GEOLOGY DOWNGRADIENT OF SITE

According to the geologic assessment included with the submittal, no part of the area downgradient of the site is located within the 100-year floodplain. Therefore no downgradient geologic assessment was required.

#### PERMANENT POLLUTION ABATEMENT MEASURES

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:

The full sedimentation/filtration basin is designed in accordance with the 1996 edition of the City of Austin Environmental Design Criteria Manual and is sized to capture the first ½-inch of stormwater run-off from 4.41 acres, providing a total capture volume of 9,000 cubic feet. The filtration system will consist of:

1. 690 square feet of sand, which is 18 inches thick,
2. an underdrain piping wrapped with geotextile membrane, and
3. an impervious liner.

#### 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 sedimentation/filtration basins are designed in accordance with the 1996 edition of the City of Austin Environmental Design Criteria Manual. The basins will incorporate sedimentation and filtration as described above.
5. All sediment and or media removed from the partial sedimentation/filtration basins during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335 as applicable.
6. All permanent pollution abatement measures shall be operational prior to commencement of commercial operation.
7. 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.
8. The solid waste on this site must be disposed of properly at an authorized facility. Copies of disposal records shall be submitted to the San Antonio regional office of the TNRCC within 14 days of disposal.

#### 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.

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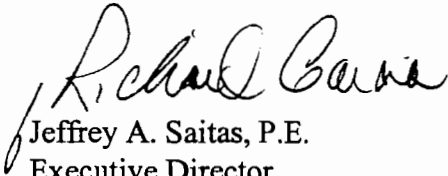
9. Approval of the design of the sewage collection system for this proposed project shall be obtained from the TNRCC prior to commencement of construction of any sewage collection system.
10. Five wells exist on the site. Any abandoned wells shall be plugged in accordance with 16 TAC §76 or an equivalent 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.

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 1281.

Sincerely,



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

JAS/JKM/eg

Enclosure: Deed Recordation Affidavit

cc: Stephen Schultz, The Schultz Group  
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