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DOCH 469107

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SAN ANTONIO

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

June 30, 1995

Mr. Greg Korman
Midtex Oil, Inc.
3455 IH-35 South
New Braunfels, Texas 78132

Re: Edwards Aquifer, Comal County
PROJECT: Midtex Oil Company - Pit Stop No. 14, Located at NW corner of SH 46 N and Timber Hollow, \approx 1 mile N of Loop 337, 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. Korman:

The Texas Natural Resource Conservation Commission (TNRCC) has completed their review of the WPAP application for the referenced project that was submitted by Dwight Russell Associates on behalf of Midtex Oil, Inc to the San Antonio Regional Office on February 24, 1995. Final review of the WPAP submittal was completed after additional material was received on April 10, 1995 and June 28, 1995.

PROJECT DESCRIPTION

The proposed 0.786 acre Pit Stop No. 14 is to be developed as a commercial project and will consist of a convenience store dispensing fuel and a car wash. The site is located within the City of New Braunfels, and will conform with applicable codes and requirements of the City of New Braunfels. Potable water will be supplied by New Braunfels Utilities.

The normal population of the development will be store employees and customers. 790 gallons per day of wastewater is to be generated by this project, 68.4% domestic and 31.6% industrial wastewater. It will be disposed of by conveyance to the existing Gruene Wastewater Treatment Plant owned by New Braunfels Utilities.

The proposed impervious cover for the development, approximately 0.694 acres (88.3%), includes roof tops, driveways, sidewalks, and streets. Stormwater runoff will be typical of a commercial site.

GEOLOGY ON SITE

According to the geologic assessment included with the submittal,

REPLY TO: REGION 13 • 140 HEIMER RD., SUITE 360 • SAN ANTONIO, TEXAS 78232-5042 • AREA CODE 210/490-3096

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two (2) potential recharge features were reported to be on the subject site. These man-made features were assessed as being of low significance as recharge features.

The Region 13 site inspection of April 10, 1995, revealed no additional recharge features.

GEOLOGY DOWN-GRADIENT OF SITE

According to the geologic assessment included with the submittal, six (6) potential recharge features were reported downgradient of the subject site. Four (4) features were assessed as being of low significance as a recharge feature. One (1) feature was assessed as being of moderate significance as a recharge feature. One (1) feature was assessed as being of high significance as a recharge feature.

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 water quality pond shall be excavated and used as a sedimentation basin.

II. After 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 after construction:

- A. A water quality pond will be constructed to filter the first $\frac{1}{4}$ inch of stormwater runoff.
- B. The carwash will have a lateral connection to an existing wastewater collection line.

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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. Both features are located in grassy areas which will not be developed. Stormwaters from developed areas will be routed to the water quality basin.

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

1. The sedimentation/filtration basins are designed in accordance with the TNRCC Edwards Aquifer Guidance Manual and the City of Austin Environmental Criteria Manual. The basins will incorporate sedimentation and filtration. The filtration system will consist of appropriately sized sedimentation chambers and a filtration basin with a minimum of 18 inches of sand filter media, sized as shown on the design plans in the WPAP.
2. A formal maintenance plan and schedule for the sedimentation and filtration basin shall be submitted to the Region 13 Edwards Aquifer Coordinator for review and possible modification prior to completion of construction. The plan shall include a responsible party and the anticipated cleaning schedule. Upon approval by the Texas Natural Resource Conservation Commission the plan shall be implemented in accordance with the approved schedule.

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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 Regional 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 Regional 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 erosion and sedimentation control measures. Additional protection may be necessary if excessive solids 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 Regional 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 Regional 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.

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Additionally, the applicant, Midtex Oil, Inc, 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 Regional 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.
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 Texas Natural Resource Conservation Commission immediately and commence clean-up.
18. Each purchaser of a single-family residential lot shall be informed in writing that this subdivision is located on the Edwards Aquifer Recharge Zone.
19. Each purchaser of a single-family residential lot 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).

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20. It is recommended that signage be permanently posted and maintained in good condition at each external entrance to and exit from the subdivision which reminds home owners and visitors they are on the Recharge Zone of the Edwards Aquifer.

If you have any questions, please contact Julie Rogers at the San Antonio Regional Office, (210) 490-3096.

Sincerely,



J. Richard Garcia,
Regional Manager, for

Dan Pearson,
Executive Director

JRG/JPR

Enclosure

cc:

Mike Shands, Director of Planning, City of New Braunfels
Carter Casteel, County Judge, Comal County
Monica M. Wallace, Comal County Office of Environmental Health
Danny Scheel, Comal County Commissioner
Rick Illgner, Edwards Underground Water District
TNRCC - San Antonio Regional Office - Program File
TNRCC - Central Records (with attachment)

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GREG KORMAN
RETAIL DEVELOPMENT

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STATE OF TEXAS
COUNTY OF COMAL

I hereby certify that this instrument was FILED
IN File Number Sequence on the date and at the time
stamped hereon by me and was duly RECORDED, in
the Official Public Records of Real Property of Comal
County, Texas on:



JUN 30 1995
Joy Streater
COUNTY CLERK
COUNTY TEXAS