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COUNTY ROAD DEPT.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

July 28, 1998

Mr. Fernando Moreno
Sunshine Day Care
2420 Bulverde Rd.
Bulverde, TX 78613

Re: EDWARDS AQUIFER, Comal County
PROJECT: Sunshine Day Care, Project number 989.00, Located at 2420 Bulverde Rd., Bulverde, Texas. The site is located on the South side of Bulverde Rd., Approximately 2.3 miles west of the intersection of Bulverde Rd. and U.S. HWY. 281 North.
TYPE: Request for Approval of Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) §213.5(b); Edwards Aquifer Protection Program

Dear Mr. Moreno:

The Texas Natural Resource Conservation Commission (TNRCC) has completed its review of the WPAP application for the referenced project that was submitted on behalf of Sunshine Day Care to the San Antonio Regional Office on June 10, 1998. Final review of the WPAP submittal was completed after additional material was received on July 16, 1998. 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.*

PROJECT DESCRIPTION

The proposed Sunshine Day Care project will have an area of 1.287 acres and will consist of one (1) 7,521 square foot building designed for use as a day care center, one (1) 1,626 sq. ft. building designed for use as a day care center and one (1) 2,223 sq. ft. single family residence. Additionally, an area of 12,500 square feet has been designated for parking. Project wastewater for the residence and each of the commercial buildings will be treated by a private on-site septic system. An on site sewage facility (OSSF/Septic Tank) will be used to treat and dispose of the 2,080 gallons per day of domestic wastewater that will be generated by the project. The system has been designed by a registered engineer and installed by a licensed installer in compliance with 30 TAC §285. According

REPLY TO: REGION 13 • 140 HEIMER RD., STE. 360 • SAN ANTONIO, TEXAS 78232-5042 • 210/490-3096 • FAX 210/545-4329

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

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Mr. Fernando Moreno
July 28, 1998
Page 2

to an August 28, 1997, letter signed by Tom Hornseth, County Engineer, the land in the development is acceptable for the use of private sewage facilities. The proposed impervious cover for the development is approximately 0.54 acres (42%). The site is located within the City of Bulverde, and must conform with applicable codes and requirements of the City of Bulverde.

HISTORY

Construction on the site was initiated prior to TNRCC Edwards Aquifer Protection Program review and approval of an official TNRCC Edwards Aquifer Protection Program application. Based on the information provided, the applicant attempted a good faith effort to meet all applicable requirements for construction over the Edwards Aquifer Recharge Zone. An after-the-fact application was promptly prepared following a March 18, 1998, TNRCC verbal notification of violation of 30 TAC 213.4, which outlines the requirements for development over the Edwards Aquifer Recharge Zone.

GEOLOGY ON SITE

An exception to the geologic assessment was requested based on an after the fact submittal. The existing day care had been constructed, completed, and all areas of the site developed at the time of submittal.

Based on the information provided, an exception to the geology is hereby granted.

The San Antonio Regional Office site inspection of March 18, 1998, revealed that the site did not reveal any naturally occurring geologic features, but did have a private well located on the site which had been properly closed.

GEOLOGY DOWNGRADIENT OF SITE

According to the geologic assessment included with the submittal, the area downgradient from the project site consists of an existing air field. No surface geologic features were identified.

PERMANENT POLLUTION ABATEMENT MEASURES

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:

The 0.757 acre vegetative filter strip is designed in accordance with the Lower Colorado River Authority Design Criteria. The filter strip will:

1. be contiguous with developed area,
2. be at the same elevation as the developed area,
3. have a level spreading device, and
4. be sized to filter stormwater run-off from 0.28 acres of impervious cover.

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 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.

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.
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. One (1) well exists on the site. Any abandoned wells shall be plugged in accordance with 30 TAC § 338 or an equivalent method, as approved by the Executive Director.

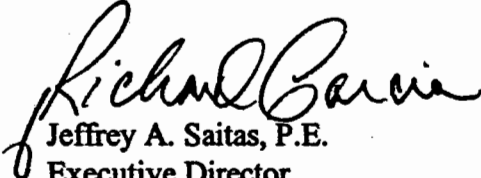
Any drill holes resulting from core sampling on-site or down-gradient of the site shall be plugged with native soil, from the bottom of the hole to the top of the hole, so as to not allow water or contaminants to enter the subsurface environment.

Mr. Fernando Moreno
July 28, 1998
Page 5

11. Pursuant to §26.136 of the Texas Water Code, any violations of the requirements in 30 TAC §213 may result in administrative penalties.

If you have any questions or require additional information, please contact Tom Gutierrez of the Edwards Aquifer Protection Program at 210/490-3096. Please reference project number 989.00.

Sincerely,


Jeffrey A. Saitas, P.E.
Executive Director

JAS/TG/eg

Enclosure: Deed Recordation Affidavit

cc: Tom Hornseth, Comal County
Greg Ellis, Edwards Aquifer Authority
TNRCC Field Operations, Austin