



WATER POLLUTION ABATEMENT PLAN - MODIFICATION

WESTPOINTE VILLAGE HEB
PARTNER PARKING
EXPANSION

City of New Braunfels, TX

prepared for:

H-E-B LP

prepared by:

CHAD RESPONDEK, P.E.

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EDWARDS AQUIFER APPLICATION COVER PAGE

TCEQ-20705

Texas Commission on Environmental Quality

Edwards Aquifer Application Cover Page

Our Review of Your Application

The Edwards Aquifer Program staff conducts an administrative and technical review of all applications. The turnaround time for administrative review can be up to 30 days as outlined in 30 TAC 213.4(e). Generally administrative completeness is determined during the intake meeting or within a few days of receipt. The turnaround time for technical review of an administratively complete Edwards Aquifer application is 90 days as outlined in 30 TAC 213.4(e). Please know that the review and approval time is directly impacted by the quality and completeness of the initial application that is received. In order to conduct a timely review, it is imperative that the information provided in an Edwards Aquifer application include final plans, be accurate, complete, and in compliance with [30 TAC 213](#).

Administrative Review

1. [Edwards Aquifer applications](#) must be deemed administratively complete before a technical review can begin. To be considered administratively complete, the application must contain completed forms and attachments, provide the requested information, and meet all the site plan requirements. The submitted application and plan sheets should be final plans. Please submit one full-size set of plan sheets with the original application, and half-size sets with the additional copies.

To ensure that all applicable documents are included in the application, the program has developed tools to guide you and web pages to provide all forms, checklists, and guidance. Please visit the below website for assistance: <http://www.tceq.texas.gov/field/eapp>.

2. This Edwards Aquifer Application Cover Page form (certified by the applicant or agent) must be included in the application and brought to the administrative review meeting.
3. Administrative reviews are scheduled with program staff who will conduct the review. Applicants or their authorized agent should call the appropriate regional office, according to the county in which the project is located, to schedule a review. The average meeting time is one hour.
4. In the meeting, the application is examined for administrative completeness. Deficiencies will be noted by staff and emailed or faxed to the applicant and authorized agent at the end of the meeting, or shortly after. Administrative deficiencies will cause the application to be deemed incomplete and returned.

An appointment should be made to resubmit the application. The application is re-examined to ensure all deficiencies are resolved. The application will only be deemed administratively complete when all administrative deficiencies are addressed.

5. If an application is received by mail, courier service, or otherwise submitted without a review meeting, the administrative review will be conducted within 30 days. The applicant and agent will be contacted with the results of the administrative review. If the application is found to be administratively incomplete, it can be retrieved from the regional office or returned by regular mail. If returned by mail, the regional office may require arrangements for return shipping.
6. If the geologic assessment was completed before October 1, 2004 and the site contains “possibly sensitive” features, the assessment must be updated in accordance with the *Instructions to Geologists* (TCEQ-0585 Instructions).

Technical Review

1. When an application is deemed administratively complete, the technical review period begins. The regional office will distribute copies of the application to the identified affected city, county, and groundwater conservation district whose jurisdiction includes the subject site. These entities and the public have 30 days to provide comments on the application to the regional office. All comments received are reviewed by TCEQ.
2. A site assessment is usually conducted as part of the technical review, to evaluate the geologic assessment and observe existing site conditions. The site must be accessible to our staff. The site boundaries should be

clearly marked, features identified in the geologic assessment should be flagged, roadways marked and the alignment of the Sewage Collection System and manholes should be staked at the time the application is submitted. If the site is not marked the application may be returned.

3. We evaluate the application for technical completeness and contact the applicant and agent via Notice of Deficiency (NOD) to request additional information and identify technical deficiencies. There are two deficiency response periods available to the applicant. There are 14 days to resolve deficiencies noted in the first NOD. If a second NOD is issued, there is an additional 14 days to resolve deficiencies. If the response to the second notice is not received, is incomplete or inadequate, or provides new information that is incomplete or inadequate, the application must be withdrawn or will be denied. Please note that because the technical review is underway, whether the application is withdrawn or denied **the application fee will be forfeited**.
4. The program has 90 calendar days to complete the technical review of the application. If the application is technically adequate, such that it complies with the Edwards Aquifer rules, and is protective of the Edwards Aquifer during and after construction, an approval letter will be issued. Construction or other regulated activity may not begin until an approval is issued.

Mid-Review Modifications

It is important to have final site plans prior to beginning the permitting process with TCEQ to avoid delays.

Occasionally, circumstances arise where you may have significant design and/or site plan changes after your Edwards Aquifer application has been deemed administratively complete by TCEQ. This is considered a "Mid-Review Modification". Mid-Review Modifications may require redistribution of an application that includes the proposed modifications for public comment.

If you are proposing a Mid-Review Modification, two options are available:

- If the technical review has begun your application can be denied/withdrawn, your fees will be forfeited, and the plan will have to be resubmitted.
- TCEQ can continue the technical review of the application as it was submitted, and a modification application can be submitted at a later time.

If the application is denied/withdrawn, the resubmitted application will be subject to the administrative and technical review processes and will be treated as a new application. The application will be redistributed to the affected jurisdictions.

Please contact the regional office if you have questions. If your project is located in Williamson, Travis, or Hays County, contact TCEQ's Austin Regional Office at 512-339-2929. If your project is in Comal, Bexar, Medina, Uvalde, or Kinney County, contact TCEQ's San Antonio Regional Office at 210-490-3096

Please fill out all required fields below and submit with your application.

1. Regulated Entity Name: WestPointe Village (HEB Partner Parking)					2. Regulated Entity No.: 105739023				
3. Customer Name: LPF Westpointe LLC					4. Customer No.: 604509646				
5. Project Type: (Please circle/check one)	New	Modification			Extension	Exception			
6. Plan Type: (Please circle/check one)	WPAP	CZP	SCS	UST	AST	EXP	EXT	Technical Clarification	Optional Enhanced Measures
7. Land Use: (Please circle/check one)	Residential	Non-residential				8. Site (acres):		37	
9. Application Fee:	\$6,500	10. Permanent BMP(s):				Water Quality Pond			
11. SCS (Linear Ft.):	N/A	12. AST/UST (No. Tanks):				N/A			
13. County:	Comal	14. Watershed:				Comal Creek/Guadalupe River			

Application Distribution

Instructions: Use the table below to determine the number of applications required. One original and one copy of the application, plus additional copies (as needed) for each affected incorporated city, county, and groundwater conservation district are required. Linear projects or large projects, which cross into multiple jurisdictions, can require additional copies. Refer to the "Texas Groundwater Conservation Districts within the EAPP Boundaries" map found at:

http://www.tceq.texas.gov/assets/public/compliance/field_ops/eapp/EAPP%20GWCD%20map.pdf

For more detailed boundaries, please contact the conservation district directly.

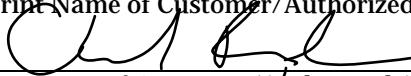
Austin Region			
County:	Hays	Travis	Williamson
Original (1 req.)	—	—	—
Region (1 req.)	—	—	—
County(ies)	—	—	—
Groundwater Conservation District(s)	<input type="checkbox"/> Edwards Aquifer Authority <input type="checkbox"/> Barton Springs/ Edwards Aquifer <input type="checkbox"/> Hays Trinity <input type="checkbox"/> Plum Creek	<input type="checkbox"/> Barton Springs/ Edwards Aquifer	NA
City(ies) Jurisdiction	<input type="checkbox"/> Austin <input type="checkbox"/> Buda <input type="checkbox"/> Dripping Springs <input type="checkbox"/> Kyle <input type="checkbox"/> Mountain City <input type="checkbox"/> San Marcos <input type="checkbox"/> Wimberley <input type="checkbox"/> Woodcreek	<input type="checkbox"/> Austin <input type="checkbox"/> Bee Cave <input type="checkbox"/> Pflugerville <input type="checkbox"/> Rollingwood <input type="checkbox"/> Round Rock <input type="checkbox"/> Sunset Valley <input type="checkbox"/> West Lake Hills	<input type="checkbox"/> Austin <input type="checkbox"/> Cedar Park <input type="checkbox"/> Florence <input type="checkbox"/> Georgetown <input type="checkbox"/> Jerrell <input type="checkbox"/> Leander <input type="checkbox"/> Liberty Hill <input type="checkbox"/> Pflugerville <input type="checkbox"/> Round Rock

San Antonio Region					
County:	Bexar	Comal	Kinney	Medina	Uvalde
Original (1 req.)	—	X	—	—	—
Region (1 req.)	—	X	—	—	—
County(ies)	—	X	—	—	—
Groundwater Conservation District(s)	<input type="checkbox"/> Edwards Aquifer Authority <input type="checkbox"/> Trinity-Glen Rose	<input checked="" type="checkbox"/> Edwards Aquifer Authority	<input type="checkbox"/> Kinney	<input type="checkbox"/> EAA <input type="checkbox"/> Medina	<input type="checkbox"/> EAA <input type="checkbox"/> Uvalde
City(ies) Jurisdiction	<input type="checkbox"/> Castle Hills <input type="checkbox"/> Fair Oaks Ranch <input type="checkbox"/> Helotes <input type="checkbox"/> Hill Country Village <input type="checkbox"/> Hollywood Park <input type="checkbox"/> San Antonio (SAWS) <input type="checkbox"/> Shavano Park	<input type="checkbox"/> Bulverde <input type="checkbox"/> Fair Oaks Ranch <input type="checkbox"/> Garden Ridge <input checked="" type="checkbox"/> New Braunfels <input type="checkbox"/> Schertz	NA	<input type="checkbox"/> San Antonio ETJ (SAWS)	NA

I certify that to the best of my knowledge, that the application is complete and accurate. This application is hereby submitted to TCEQ for administrative review and technical review.

Chad Respondek

Print Name of Customer/Authorized Agent



4/1/2025

Signature of Customer/Authorized Agent

Date

****FOR TCEQ INTERNAL USE ONLY****

Date(s) Reviewed:		Date Administratively Complete:	
Received From:		Correct Number of Copies:	
Received By:		Distribution Date:	
EAPP File Number:		Complex:	
Admin. Review(s) (No.):		No. AR Rounds:	
Delinquent Fees (Y/N):		Review Time Spent:	
Lat./Long. Verified:		SOS Customer Verification:	
Agent Authorization Complete/Notarized (Y/N):		Fee Check:	Payable to TCEQ (Y/N):
Core Data Form Complete (Y/N):			Signed (Y/N):
Core Data Form Incomplete Nos.:			Less than 90 days old (Y/N):

GENERAL INFORMATION FORM

TCEQ-0587

General Information Form

Texas Commission on Environmental Quality

For Regulated Activities on the Edwards Aquifer Recharge and Transition Zones and Relating to 30 TAC §213.4(b) & §213.5(b)(2)(A), (B) Effective June 1, 1999

To ensure that the application is administratively complete, confirm that all fields in the form are complete, verify that all requested information is provided, consistently reference the same site and contact person in all forms in the application, and ensure forms are signed by the appropriate party.

Note: Including all the information requested in the form and attachments contributes to more streamlined technical reviews.

Signature

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. This **General Information Form** is hereby submitted for TCEQ review. The application was prepared by:

Print Name of Customer/Agent: Chad Respondek

Date: 4/1/2025

Signature of Customer/Agent:



Project Information

1. Regulated Entity Name: WestPointe Village (HEB Partner Parking)
2. County: Comal
3. Stream Basin: Comal Creek/Guadalupe River
4. Groundwater Conservation District (If applicable): Comal Trinity GCD
5. Edwards Aquifer Zone:
☒ Recharge Zone
☐ Transition Zone
6. Plan Type:
☒ WPAP
☐ SCS
☒ Modification
☐ AST
☐ UST
☐ Exception Request

☐ UST

☐ Exception Request

7. Customer (Applicant):

Contact Person: Benjamin Scott

Entity: HEB, LP

Mailing Address: 646 S Flores St

City, State: San Antonio, TX

Telephone: 210-844-5023

Email Address: scott.ben@heb.com

Zip: 78204

FAX: _____

8. Agent/Representative (If any):

Contact Person: Chad Respondek, PE

Entity: KFM Engineering & Design

Mailing Address: 12950 Country Pkwy, Suite 150

City, State: TX

Telephone: 210-844-5023

Email Address: crespondek@kfm-llc.com

Zip: 78216

FAX: _____

9. Project Location:

☒ The project site is located inside the city limits of New Braunfels.

☐ The project site is located outside the city limits but inside the ETJ (extra-territorial jurisdiction) of _____.

☐ The project site is not located within any city's limits or ETJ.

10. ☒ The location of the project site is described below. The description provides sufficient detail and clarity so that the TCEQ's Regional staff can easily locate the project and site boundaries for a field investigation.

Located near the southwest corner of State Highway 46 and Loop 337, more specifically adjacent to the east bound lanes of State Highway 46 between Loop 337 and Independence Drive.

11. ☒ **Attachment A – Road Map.** A road map showing directions to and the location of the project site is attached. The project location and site boundaries are clearly shown on the map.

12. ☒ **Attachment B - USGS / Edwards Recharge Zone Map.** A copy of the official 7 ½ minute USGS Quadrangle Map (Scale: 1" = 2000') of the Edwards Recharge Zone is attached. The map(s) clearly show:

☒ Project site boundaries.

☒ USGS Quadrangle Name(s).

☒ Boundaries of the Recharge Zone (and Transition Zone, if applicable).

☒ Drainage path from the project site to the boundary of the Recharge Zone.

13. ☒ **The TCEQ must be able to inspect the project site or the application will be returned.**
Sufficient survey staking is provided on the project to allow TCEQ regional staff to locate

☒ Survey staking will be completed by this date: 4/1/2025

14. ☒ **Attachment C – Project Description.** Attached at the end of this form is a detailed narrative description of the proposed project. The project description is consistent throughout the application and contains, at a minimum, the following details:

- ☒ Area of the site
- ☒ Offsite areas
- ☒ Impervious cover
- ☒ Permanent BMP(s)
- ☒ Proposed site use
- ☒ Site history
- ☒ Previous development
- ☒ Area(s) to be demolished

15. Existing project site conditions are noted below:

- ☐ Existing commercial site
- ☐ Existing industrial site
- ☐ Existing residential site
- ☐ Existing paved and/or unpaved roads
- ☐ Undeveloped (Cleared)
- ☐ Undeveloped (Undisturbed/Uncleared)
- ☒ Other: Undeveloped portion of existing commercial site

Prohibited Activities

16. ☒ I am aware that the following activities are prohibited on the Recharge Zone and are not proposed for this project:

- (1) Waste disposal wells regulated under 30 TAC Chapter 331 of this title (relating to Underground Injection Control);
- (2) New feedlot/concentrated animal feeding operations, as defined in 30 TAC §213.3;
- (3) Land disposal of Class I wastes, as defined in 30 TAC §335.1;
- (4) The use of sewage holding tanks as parts of organized collection systems; and
- (5) New municipal solid waste landfill facilities required to meet and comply with Type I standards which are defined in §330.41(b), (c), and (d) of this title (relating to Types of Municipal Solid Waste Facilities).
- (6) New municipal and industrial wastewater discharges into or adjacent to water in the state that would create additional pollutant loading.

17. ☒ I am aware that the following activities are prohibited on the Transition Zone and are not proposed for this project:

- (1) Waste disposal wells regulated under 30 TAC Chapter 331 (relating to Underground Injection Control);

- (2) Land disposal of Class I wastes, as defined in 30 TAC §335.1; and
- (3) New municipal solid waste landfill facilities required to meet and comply with Type I standards which are defined in §330.41 (b), (c), and (d) of this title.

Administrative Information

18. The fee for the plan(s) is based on:

- ☒ For a Water Pollution Abatement Plan or Modification, the total acreage of the site where regulated activities will occur.
- ☐ For an Organized Sewage Collection System Plan or Modification, the total linear footage of all collection system lines.
- ☐ For a UST Facility Plan or Modification or an AST Facility Plan or Modification, the total number of tanks or piping systems.
- ☐ A request for an exception to any substantive portion of the regulations related to the protection of water quality.
- ☐ A request for an extension to a previously approved plan.

19. ☒ Application fees are due and payable at the time the application is filed. If the correct fee is not submitted, the TCEQ is not required to consider the application until the correct fee is submitted. Both the fee and the Edwards Aquifer Fee Form have been sent to the Commission's:

- ☐ TCEQ cashier
- ☐ Austin Regional Office (for projects in Hays, Travis, and Williamson Counties)
- ☒ San Antonio Regional Office (for projects in Bexar, Comal, Kinney, Medina, and Uvalde Counties)

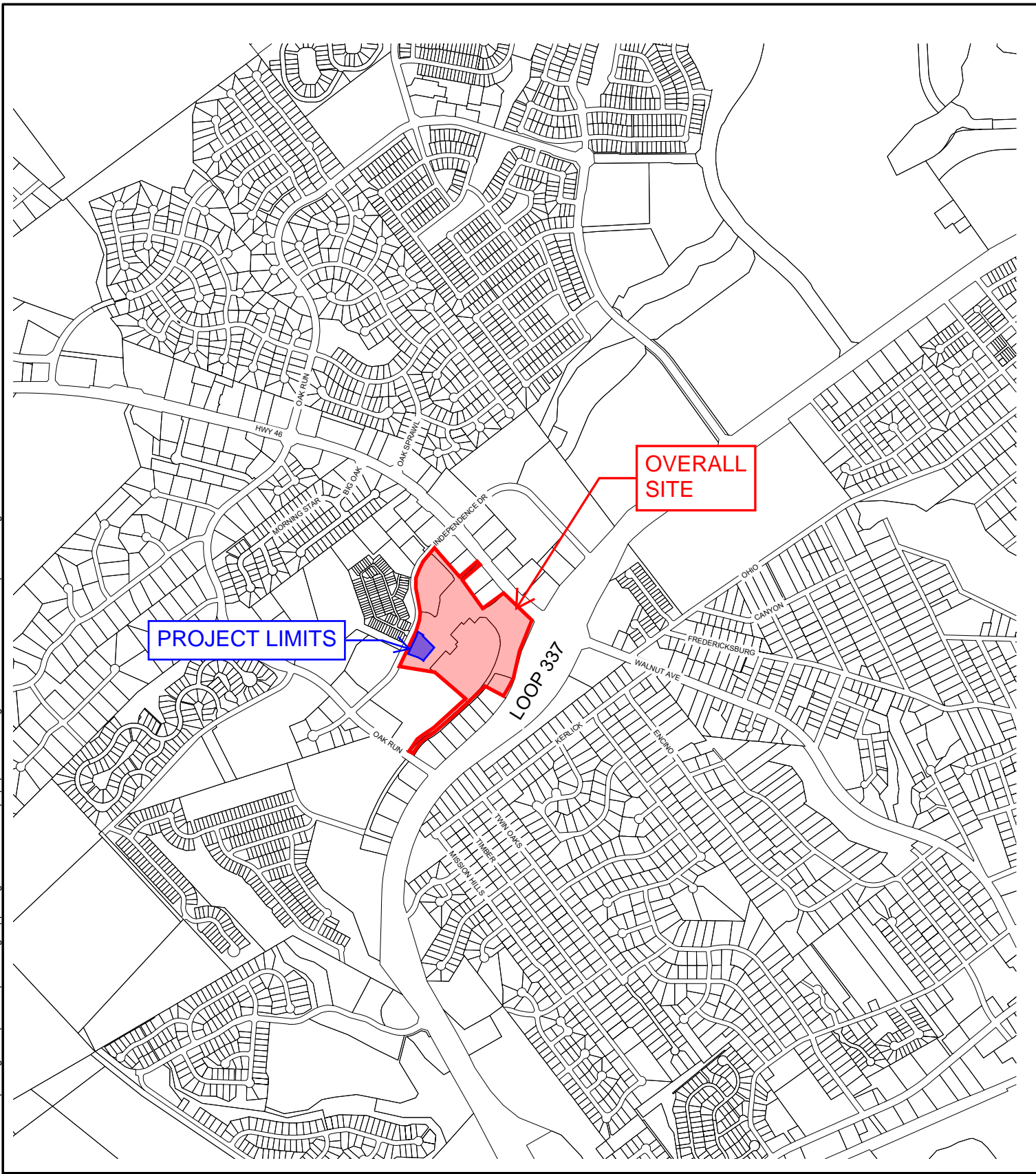
20. ☒ Submit one (1) original and one (1) copy of the application, plus additional copies as needed for each affected incorporated city, groundwater conservation district, and county in which the project will be located. The TCEQ will distribute the additional copies to these jurisdictions. The copies must be submitted to the appropriate regional office.

21. ☒ No person shall commence any regulated activity until the Edwards Aquifer Protection Plan(s) for the activity has been filed with and approved by the Executive Director.

ATTACHMENT A – ROAD MAP

TCEQ-0587

e:\240140 nb02 parking lot expansion\permitting\supporting documents\toed\wpap mod\working docs\exhibit01 - road map exhibit.dwg-emendez-1/31/2025 9:56 AM

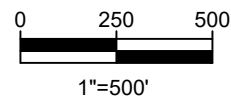


WESTPOINTE VILLAGE (HEB PARTNER PARKING)

ROAD MAP

HEB, LP GROCERY

12950 COUNTRY PARKWAY
SUITE 150
SAN ANTONIO, TEXAS 78216
PHONE: (210) 844-5023
WWW.KFM-LLC.COM
TBPE #: F-20821



EXH01

ATTACHMENT B – USGS / EDWARDS RECHARGE ZONE MAP

TCEQ-0587



U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



NEW BRAUNFELS WEST QUADRANGLE
TEXAS
7.5-MINUTE SERIES

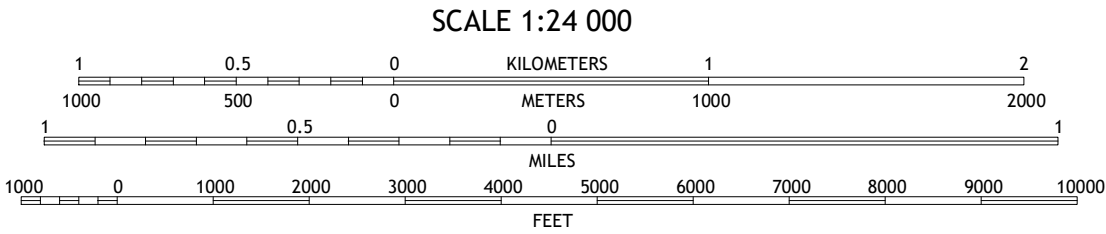
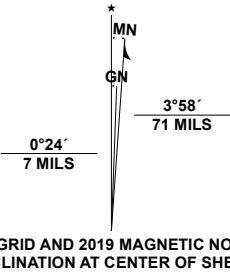


WESTPOINTE VILLAGE (HEB PARTNER PARKING) USGS EXHIBIT

Produced by the United States Geological Survey

North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
1 000-meter grid/Universal Transverse Mercator, Zone 14R.
This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

Imagery.....NAIP, September 2016 - November 2016
Roads.....U.S. Census Bureau, 2015 - 2019
Names.....GNIS, 1979 - 2022
Hydrography.....National Hydrography Dataset, 2000 - 2018
Contours.....National Elevation Dataset, 2021
Boundaries.....Multiple sources; see metadata file 2019 - 2021
Wetlands.....FWS National Wetlands Inventory Not Available



CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988
This map was produced to conform with the
National Geospatial Program US Topo Product Standard.



1	2	3
4	5	6
7	8	

ADJOINING QUADRANGLES

- 1 Smithson Valley
- 2 Sattler
- 3 Hunter
- 4 Bat Cave
- 5 New Braunfels East
- 6 Schertz
- 7 Marion
- 8 McQueeney

ROAD CLASSIFICATION	
Expressway	Local Connector
Secondary Hwy	Local Road
Ramp	4WD
Interstate Route	US Route
	State Route

NEW BRAUNFELS WEST, TX
2022



12950 COUNTRY PKWY, SUITE 150
SAN ANTONIO, TX 78216
WWW.KFM-LLC.COM
TBPE #: F-20821



ATTACHMENT C – PROJECT DESCRIPTION

TCEQ-0587

ATTACHMENT C PROJECT DESCRIPTION

The proposed improvements addressed by this Water Pollution Abatement Plan modification consist of a +/- 38,316 SF parking addition for HEB Partners located within LOT 1A of WestPointe Village Development. The project is located within the City of New Braunfels in Comal County, Texas. The entire site is within the Edwards Aquifer Recharge Zone and is within the sub-watershed of Comal Creek, a tributary of the Guadalupe River.

The additional parking is located at the western corner of the property behind the existing retail building connected to the main HEB store. Construction for the additional parking will include land disturbing activities to remove existing parking pavement & curb, grading, installation of new pavement, a proposed detention pond and associated storm drain, and landscaping to re-vegetate all disturbed areas.

Runoff on the site is conveyed by overland flow into an underground storm drain system that flows through a detention pond at the northern portion of the parking lot. This detention pond connects to the existing storm drain system that eventually drains into the existing water quality pond at the western corner of the Loop 337 and State Hwy 46 Intersection. The existing water quality pond located at the corner of SH 46 and Loop 337 provides treatment of runoff before releasing runoff into an adjacent Texas Department of Transportation (TxDOT) drainage structure.

The addition of this parking will disturb +/- 1.27 AC. The project will result in an increase of +/- 0.88 AC of impervious cover, the runoff of which will be treated by the aforementioned water quality pond/wet basin. The previously approved impervious cover amount within WestPointe Village is 24.23 AC. The existing wet basin was designed to accommodate 25.96 AC of impervious cover within the WestPointe Village Shopping Center Development. After the development of the additional partner parking, a total of 25.11 AC of impervious cover will have been added to the drainage area being treated by the existing wet basin.

The original Water Pollution Abatement Plan for the WestPointe Village subdivision has multiple modifications that have been approved by TCEQ for the development of commercial lots and other areas around the site. Below is a summary of the previously approved WPAP modifications associated with the subdivision:

Approved WPAPs:	8/25/2009
Phase 1 - HEB & Roads	8/25/2009
Phase 1 – Uncaptured Area	5/14/2010
Pad 3 – Whataburger	8/30/2010
Pad 7 – Discount Tire	11/16/2010
Pad 2 – Chase Bank	7/15/2011
Pad 1 – Phase 2	12/10/2012
Lot 8 – Chick-fil-a	10/20/2014
Lot1A – HEB Parking Lot Expansion	8/16/2016
Lot 9 – Taco Cabana #20361	11/17/2017
Lot 6 – Baptist Healthcare	12/27/2017
Lot 1A – Heb Curbside	

Approval Dates:

GEOLOGIC ASSESSMENT FORM

TCEQ-0585

Geologic Assessment

Texas Commission on Environmental Quality

For Regulated Activities on The Edwards Aquifer Recharge/transition Zones and Relating to 30 TAC §213.5(b)(3), Effective June 1, 1999

To ensure that the application is administratively complete, confirm that all fields in the form are complete, verify that all requested information is provided, consistently reference the same site and contact person in all forms in the application, and ensure forms are signed by the appropriate party.

Note: Including all the information requested in the form and attachments contributes to more streamlined technical reviews.

Signature

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. My signature certifies that I am qualified as a geologist as defined by 30 TAC Chapter 213.

Print Name of Geologist: Tomas Hernandez,
Jr., P.G.

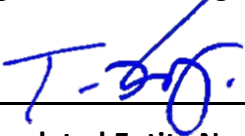
Telephone: 210-385-2011

Fax: _____

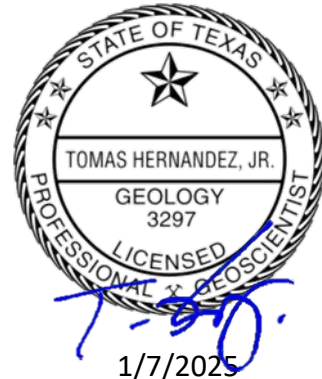
Date: January 7, 2025

Representing: TTL, Inc. TBPGE Firm No 50456 (Name of Company and TBPGE or TBPE registration number)

Signature of Geologist:



Regulated Entity Name: HEB New Braunfels Parking Lot



Project Information

1. Date(s) Geologic Assessment was performed: 11/21/2024

2. Type of Project:

☒ WPAP
☐ SCS

☐ AST
☐ UST

3. Location of Project:

☒ Recharge Zone
☐ Transition Zone
☐ Contributing Zone within the Transition Zone

4. ☒ **Attachment A - Geologic Assessment Table.** Completed Geologic Assessment Table (Form TCEQ-0585-Table) is attached.
5. ☒ Soil cover on the project site is summarized in the table below and uses the SCS Hydrologic Soil Groups* (Urban Hydrology for Small Watersheds, Technical Release No. 55, Appendix A, Soil Conservation Service, 1986). If there is more than one soil type on the project site, show each soil type on the site Geologic Map or a separate soils map.

Table 1 - Soil Units, Infiltration Characteristics and Thickness

Soil Name	Group*	Thickness(feet)
RUD	D	0-1.5

** Soil Group Definitions (Abbreviated)*

- A. Soils having a high infiltration rate when thoroughly wetted.
- B. Soils having a moderate infiltration rate when thoroughly wetted.
- C. Soils having a slow infiltration rate when thoroughly wetted.
- D. Soils having a very slow infiltration rate when thoroughly wetted.

6. ☒ **Attachment B – Stratigraphic Column.** A stratigraphic column showing formations, members, and thicknesses is attached. The outcropping unit, if present, should be at the top of the stratigraphic column. Otherwise, the uppermost unit should be at the top of the stratigraphic column.
7. ☒ **Attachment C – Site Geology.** A narrative description of the site specific geology including any features identified in the Geologic Assessment Table, a discussion of the potential for fluid movement to the Edwards Aquifer, stratigraphy, structure(s), and karst characteristics is attached.
8. ☒ **Attachment D – Site Geologic Map(s).** The Site Geologic Map must be the same scale as the applicant's Site Plan. The minimum scale is 1": 400'
 Applicant's Site Plan Scale: 1" = 20'
 Site Geologic Map Scale: 1" = 20'
 Site Soils Map Scale (if more than 1 soil type): 1" = NA '
9. Method of collecting positional data:
 - ☒ Global Positioning System (GPS) technology.
 - ☐ Other method(s). Please describe method of data collection: _____
10. ☒ The project site and boundaries are clearly shown and labeled on the Site Geologic Map.
11. ☒ Surface geologic units are shown and labeled on the Site Geologic Map.

12. ☒ Geologic or manmade features were discovered on the project site during the field investigation. They are shown and labeled on the Site Geologic Map and are described in the attached Geologic Assessment Table.
- ☐ Geologic or manmade features were not discovered on the project site during the field investigation.
13. ☒ The Recharge Zone boundary is shown and labeled, if appropriate.
14. All known wells (test holes, water, oil, unplugged, capped and/or abandoned, etc.): If applicable, the information must agree with Item No. 20 of the WPAP Application Section.
- ☐ There are _____ (#) wells present on the project site and the locations are shown and labeled. (Check all of the following that apply.)
- ☐ The wells are not in use and have been properly abandoned.
- ☐ The wells are not in use and will be properly abandoned.
- ☐ The wells are in use and comply with 16 TAC Chapter 76.
- ☒ There are no wells or test holes of any kind known to exist on the project site.

Administrative Information

15. ☒ Submit one (1) original and one (1) copy of the application, plus additional copies as needed for each affected incorporated city, groundwater conservation district, and county in which the project will be located. The TCEQ will distribute the additional copies to these jurisdictions. The copies must be submitted to the appropriate regional office.

ATTACHMENT A – GEOLOGIC ASSESSMENT TABLE

TCEQ-0585

ATTACHMENT B – STRATEGGRAPHIC COLUMN

TCEQ-0585

HEB New Braunfels Parking Lot

Stratigraphic Column

Hydrogeologic Subdivision			Group, Formation, Or Member		Hydro-logic Function	Thickness (Feet)	Lithology	Field Identification	Cavern Development	Porosity/ Permeability Type
Lower Cretaceous	I	Edwards Aquifer	Georgetown Formation		AQ	100	Gray to light tan marly limestone	Marker fossil: <i>Wacopelia wacoensis</i>	None	Low porosity/low permeability
	II		Person Formation (Kep)	Cyclic and marine members, undivided	AQ	80-90	Mudstone to packstone; <i>millioid</i> grainstone; chert	Thin graded cycles; massive beds to relatively thin beds; crossbeds	Many subsurface; might be associated with earlier karst development	Laterally extensive; both fabric and not fabric/water-yielding
	III			Leached and collapsed members, undivided	AQ	70-90	Crystalline limestone; mudstone to grainstone; chert; collapsed breccia	Bioturbated iron-stained beds separated by massive limestone beds; stromatolitic limestone	Extensive lateral development; large rooms	Majority not fabric/one of the most permeable
	IV			Regional dense member	CU	20-24	Dense, argillaceous mudstone	Wispy iron-oxide stains	Very few; only vertical fracture enlargement	Not fabric/low permeability; vertical barrier
	V			Kainer Formation (Kek)	Grainstone member	AQ	50-60	<i>Millioid</i> grainstone; mudstone to wackestone; chert	White crossbedded grainstone	Few
	VI		Kirschberg evaporite member		AQ	50-60	Highly altered crystalline limestone; chalky mudstone; chert	Boxwork voids, with neospar and travertine frame	Probably extensive cave development	Majority fabric/one of the most permeable
	VII		Dolomitic member		AQ	110 -130	Mudstone to grainstone; crystalline limestone; chert	Massively bedded light gray, <i>Toucasia</i> abundant	Caves related to structure or bedding planes	Mostly not fabric; some bedding plane-fabric/water-yielding
	VIII		Basal nodular member		Karst AQ; not karst CU	50-60	Shaly, nodular limestone mudstone and <i>millioid</i> grainstone	Massive, nodular and mottled, <i>Exogyra texana</i>	Large lateral caves at surface; a few caves near Cibolo Creek	Fabric; stratigraphically controlled/large conduit flow at surface; no permeability in subsurface
	Lower confining unit		Upper member of Glen Rose Limestone (Kgru)		CU; evaporite beds Upper Trinity AQ	350–500	Yellowish-tan, thinly bedded limestone and marl	Stair-step topography; alternating limestone and marl	Some surface cave development	Some water production at evaporite beds/relatively impermeable

[Hydrogeologic subdivisions modified from Maclay and Small (1976); groups, formations, and members modified from Rose (1972); lithology modified from Dunham (1962); and porosity type modified from Choquette and Pray (1970). CU, confining unit; AQ, aquifer]

ATTACHMENT C – SITE GEOLOGY

TCEQ-0585

HEB New Braunfels Parking Lot

Site Geology

The predominant trend for the Site area is approximately N 25° E based on an average of the trends of faults within the surrounding area and from published maps (Clark, 2016). The overall potential for fluid migration to the Edwards Aquifer on the Site appears low.

Based on the field reconnaissance and published geologic maps, the Project Site appears to be located within the Georgetown formation (Kgt) and cyclic and marine members of the Person formation (Kepcm).

The Kgt is the uppermost formation in the Edwards Aquifer and lies disconformably on the Edwards Limestone. The Kgt is characterized by thin, interbeds of richly fossiliferous, nodular, massive fine-grained limestone and marl. The Kgt is best identified in the field by the fossil *Waconella wacoensis*.

The Kepcm is characterized by a mudstone to grainstone with chert. Karst development in the Kepcm is characterized by large sinkholes and caves with extensive lateral development and large rooms (Maclay and Small, 1976).

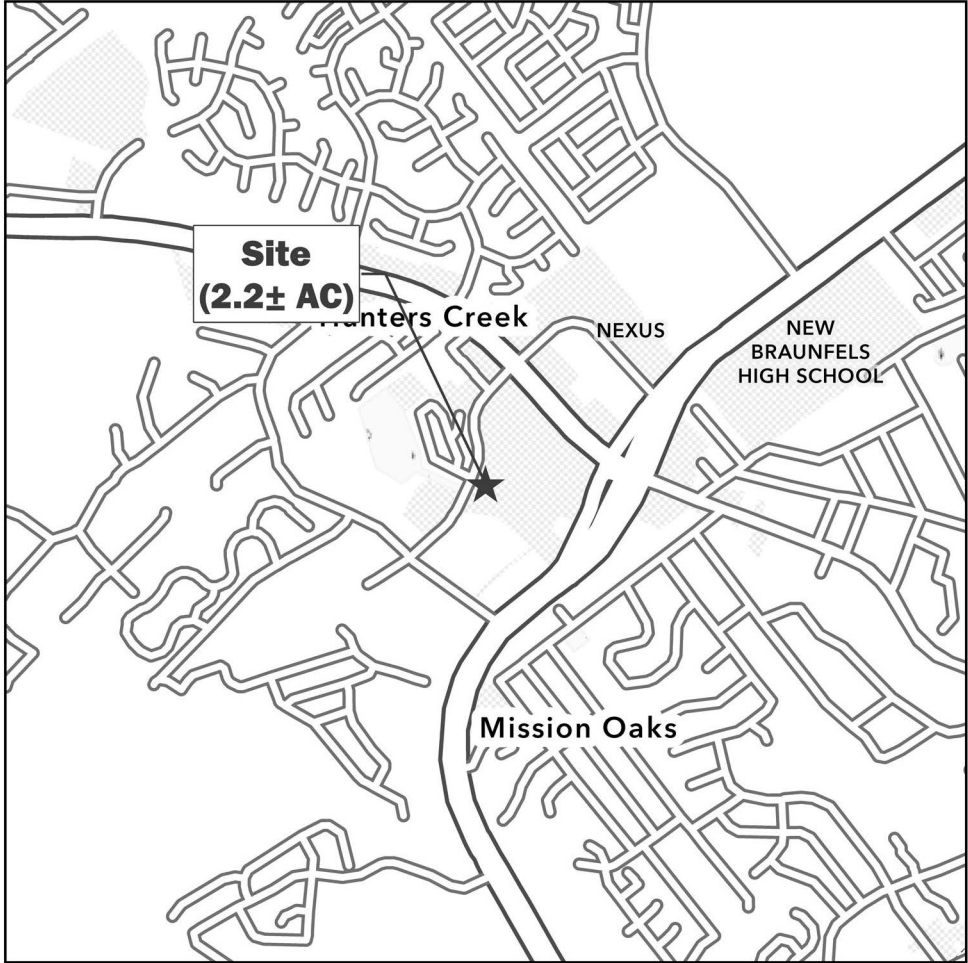
No caves or sinkholes were identified during the field survey. The contact between the Kgt and Kepcm was observed along the tree line as shown on the Geologic Map in Attachment D.

The following feature was observed during the pedestrian field survey conducted on November 21, 2024.

Feature F-1: Manmade Feature in Bedrock (MB) - An underground sanitary sewer line was identified during the civil plan review and pedestrian field survey. Sanitary sewer lines are typically trenched through bedrock and backfilled with a mix of fine and coarse material that may be more permeable than the surrounding undisturbed areas. Therefore, the probability of rapid infiltration is intermediate.

ATTACHMENT D – SITE GEOLOGIC MAP(S)

TCEQ-0585



LEGEND

- S-# Feature Identification
- Inferred Contact
- SS■ Sanitary Sewer Line
- Kep** Person Formation (Kep)
- Kgt** Georgetown Form (Kgt)
- Site Boundary (2.2 ±AC)**

GEOLOGIC REFERENCES :
CLARK, A.K., GOLAB, J.A., AND MORRIS, R.R., 2016, GEOLOGIC FRAMEWORK AND HYDROSTRATIGRAPHY OF THE EDWARDS AND TRINITY AQUIFERS WITHIN NORTHERN BEAR AND COMAL COUNTIES, TEXAS: U.S. GEOLOGICAL SURVEY SCIENTIFIC INVESTIGATIONS MAP 3366, 1 SHEET, SCALE 1:24,000, PAMPHLET, [HTTPS://DOI.ORG/10.3133/SIM3366](https://doi.org/10.3133/SIM3366)

GEOLOGIC MAP OF NEW BRAUNFELS , TEXAS , 30 X 60 MINUTE QUADRANGLE, 2000

GEOLOGIC MAP OF THE EDWARDS AQUIFER RECHARGE ZONE, SOUTH-CENTRAL TEXAS , 2005

FLOOD MAP REFERENCE:
FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) 4902900435G DATED May 08, 2024, COMAL COUNTY

ZONE 'X' : AREAS DETERMINED TO BE OUT SIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

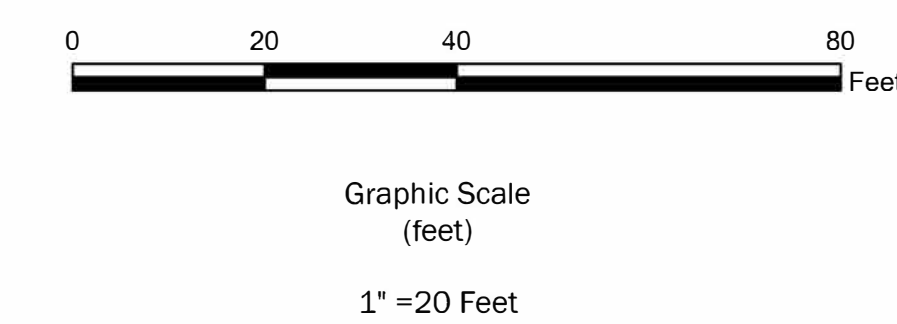


FIGURE 1: SITE GEOLOGIC MAP
HEB NEW BRAUNFELS PARKING LOT
KFM ENGINEERING & DESIGN
NEW BRAUNFELS, COMAL COUNTY, TEXAS 78132

Project No:	24-09-03284.00
Scale:	1"= 50'
Date:	1/7/2025

Project Manager:	AM
Drawn By:	EWS
Checked By:	AM
Approved By:	AM

Revision No	Revision Date	Comments

HEB New Braunfels Parking Lot

References

- Arnow, Ted, October 1959, Bulletin 5911, Ground-Water Geology of Bexar County, Texas. Texas Board of Water Engineers. Prepared in cooperation with the US Geological Survey and the City of San Antonio.
- Barnes, V.L., 1983, Geologic Atlas of Texas, San Antonio Sheet, Bureau of Economic Geology, The University of Texas at Austin, Texas.
- Clark, A.K., Golab, J.A., and Morris, R.R., 2016, Geologic framework and hydrostratigraphy of the Edwards and Trinity aquifers within northern Bexar and Comal Counties, Texas: U.S. Geological Survey Scientific Investigations Map 3366, 1 sheet, scale 1:24,000, pamphlet, <https://doi.org/10.3133/sim3366>.
- Stein, W.G., and Ozuna, G.B., 1995, Geologic Framework and Hydrogeologic Characteristics of the Edwards Aquifer Recharge Zone, Bexar County, Texas: U.S. Geological Survey, Water- Resources Investigations 95-4030, 8 pp., 2 figs.
- Texas Commission on Environmental Quality (TCEQ), Instructions to Geologists, TCEQ-0585 Instructions, revised October 1, 2004.
- U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) Web Soil Survey, Soil Survey of Bexar County, Texas.
- U.S. Geological Survey, 7.5-Minute Series Topographic Quadrangle, New Braunfels West, Texas, 2022
- U.S. Geological Survey, Economic Bureau of Geology, Geologic Map of the New Braunfels West Quadrangle, Texas. 1993

MODIFICATION OF A PREVIOUSLY APPROVED PLAN

TCEQ-0590

Modification of a Previously Approved Plan

Texas Commission on Environmental Quality

for Regulated Activities on the Edwards Aquifer Recharge Zone and Transition Zone and Relating to 30 TAC 213.4(j), Effective June 1, 1999

To ensure that the application is administratively complete, confirm that all fields in the form are complete, verify that all requested information is provided, consistently reference the same site and contact person in all forms in the application, and ensure forms are signed by the appropriate party.

Note: Including all the information requested in the form and attachments contributes to more streamlined technical reviews.

Signature

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. This request for a **Modification of a Previously Approved Plan** is hereby submitted for TCEQ review and executive director approval. The request was prepared by:

Print Name of Customer/Agent: Chad Respondek, PE

Date: 4/1/2025

Signature of Customer/Agent:



Project Information

1. Current Regulated Entity Name: WestPointe Village (HEB Partner Parking)
Original Regulated Entity Name: Comal
Regulated Entity Number(s) (RN): 105739023
Edwards Aquifer Protection Program ID Number(s): 2873.02
☒ The applicant has not changed and the Customer Number (CN) is: 604509646
☐ The applicant or Regulated Entity has changed. A new Core Data Form has been provided.
2. ☒ **Attachment A: Original Approval Letter and Approved Modification Letters.** A copy of the original approval letter and copies of any modification approval letters are attached.

3. A modification of a previously approved plan is requested for (check all that apply):
- ☐ Physical or operational modification of any water pollution abatement structure(s) including but not limited to ponds, dams, berms, sewage treatment plants, and diversionary structures;
 - ☐ Change in the nature or character of the regulated activity from that which was originally approved or a change which would significantly impact the ability of the plan to prevent pollution of the Edwards Aquifer;
 - ☒ Development of land previously identified as undeveloped in the original water pollution abatement plan;
 - ☐ Physical modification of the approved organized sewage collection system;
 - ☐ Physical modification of the approved underground storage tank system;
 - ☐ Physical modification of the approved aboveground storage tank system.
4. ☐ Summary of Proposed Modifications (select plan type being modified). If the approved plan has been modified more than once, copy the appropriate table below, as necessary, and complete the information for each additional modification.

<i>WPAP Modification</i>	<i>Approved Project</i>	<i>Proposed Modification</i>
<i>Summary</i>		
Acres	<u>37.0</u>	<u>37.0</u>
Type of Development	<u>Commercial</u>	<u>Commercial</u>
Number of Residential Lots	<u>0</u>	<u>0</u>
Impervious Cover (acres)	<u>24.23</u>	<u>25.11</u>
Impervious Cover (%)	<u>65.49%</u>	<u>67.86%</u>
Permanent BMPs	<u>Wet Basin</u>	<u>Existing West Basin</u>
Other	_____	_____
<i>SCS Modification</i>	<i>Approved Project</i>	<i>Proposed Modification</i>
<i>Summary</i>		
Linear Feet	_____	_____
Pipe Diameter	_____	_____
Other	_____	_____

<i>AST Modification</i>	<i>Approved Project</i>	<i>Proposed Modification</i>
<i>Summary</i>		

Number of ASTs	_____	_____
Volume of ASTs	_____	_____
Other	_____	_____

<i>UST Modification</i>	<i>Approved Project</i>	<i>Proposed Modification</i>
<i>Summary</i>		

Number of USTs	_____	_____
Volume of USTs	_____	_____
Other	_____	_____

5. ☒ **Attachment B: Narrative of Proposed Modification.** A detailed narrative description of the nature of the proposed modification is attached. It discusses what was approved, including any previous modifications, and how this proposed modification will change the approved plan.

6. ☒ **Attachment C: Current Site Plan of the Approved Project.** A current site plan showing the existing site development (i.e., current site layout) at the time this application for modification is attached. A site plan detailing the changes proposed in the submitted modification is required elsewhere.
 - ☐ The approved construction has not commenced. The original approval letter and any subsequent modification approval letters are included as Attachment A to document that the approval has not expired.
 - ☒ The approved construction has commenced and has been completed. Attachment C illustrates that the site was constructed as approved.
 - ☐ The approved construction has commenced and has been completed. Attachment C illustrates that the site was **not** constructed as approved.
 - ☐ The approved construction has commenced and has **not** been completed. Attachment C illustrates that, thus far, the site was constructed as approved.
 - ☐ The approved construction has commenced and has **not** been completed. Attachment C illustrates that, thus far, the site was **not** constructed as approved.

7. ☐ The acreage of the approved plan has increased. A Geologic Assessment has been provided for the new acreage.
 - ☒ Acreage has not been added to or removed from the approved plan.

8. ☒ Submit one (1) original and one (1) copy of the application, plus additional copies as needed for each affected incorporated city, groundwater conservation district, and county in which the project will be located. The TCEQ will distribute the additional copies to these jurisdictions. The copies must be submitted to the appropriate regional office.

ATTACHMENT A – ORIGINAL APPROVAL LETTER AND APPROVED MODIFICATION LETTERS

TCEQ-0590

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 25, 2009

Mr. William Vandenbosch, AIA
NB Retail, Ltd.
900 Isom Rd Ste 300
San Antonio TX 78216

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: WestPointe Village; Located at the southwest corner of Hwy. 46 and Loop 337; New Braunfels, Texas
TYPE OF PLAN: Request for Approval of a Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer
Edwards Aquifer Protection Program ID No. 2873.01; Investigation No. 748244; Regulated Entity No. RN105739023

Dear Mr. Vandenbosch:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP application for the above-referenced project submitted to the San Antonio Regional Office by Bury+Partners on behalf of NB Retail, Ltd. on May 27, 2009. Final review of the WPAP was completed after additional material was received on July 17, 2009 and August 17, 2009. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer'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 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 proposed commercial project will have an area of approximately 37.00 acres. It will include the construction of a commercial shopping center and associated parking, driveways and utilities. The impervious cover will be 16.12 acres (43.57 percent). Project wastewater will be disposed of by conveyance to the existing Gruene Water Recycling Center owned by New Braunfels Utilities.

PERMANENT POLLUTION ABATEMENT MEASURES

To prevent the pollution of storm water runoff originating on-site or upgradient of the site and potentially flowing across and off the site after construction, a wet basin, designed using the TCEQ technical guidance document, Complying with the Edwards Aquifer Rules: Technical Guidance on Best

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

Mr. William Vandenbosch, AIA
August 25, 2009
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Management Practices (2005), will be constructed to treat storm water runoff. The required total suspended solids (TSS) treatment for this project is 14,128 pounds of TSS generated from the 16.12 acres of impervious cover and 0.38 acres of existing impervious cover. The approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

The individual treatment measures will consist of a wet basin with a permanent pool volume of 126,728 cubic feet at the 852 foot elevation contour and a water quality volume of 246,881 cubic feet at the 854 foot elevation contour. The designed drainage area to the wet basin is 34.72 acres total and 14.78 acre of impervious cover from the development of Phase I. The wet basin will have two inlets and two separate forebays that lead to a main pool.

GEOLOGY

According to the geologic assessment included with the application, three non-sensitive geologic and manmade features exist at the site. The two geologic features were further excavated by hand and determined to have a low infiltration rating by the project geologist. The San Antonio Regional Office site assessment conducted on July 30, 2009 revealed the site as described by the revised geologic assessment. During the site assessment, regulated activities and soil disturbance was noted at the site.

SPECIAL CONDITIONS

- I. The permanent pollution abatement measures shall be operational prior to occupancy or public use of the facility.
- II. All sediment and/or media removed from the water quality basin during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335, as applicable.
- III. As described in RG-348 (2005) a sediment depth marker is required in both sediment forebays.
- IV. As stated in the application, impervious cover is not approved in areas designated as Phase II in the WPAP application. Future modifications to this WPAP application will be required for construction of impervious cover in area designated as Phase II.
- V. Except for roadway and sidewalk construction to Oak Run Pkwy, regulated activities in the 5.54 acres along Loop 337 are not approved by this letter. The applicant is responsible for ensuring regulated activities approved in this application do not extend onto the 5.54 acres. Visible barriers should be considered to separate out the undisturbed areas.
- VI. Regulated activities identified during the site assessment constitute construction without the prior approval of a water pollution abatement plan as required by Commission rules (30 TAC Chapter 213). Therefore, the applicant is hereby advised that the after-the-fact approval of the development, as provided by this letter, shall not absolve the applicant of any prior violations of commission rules related to this project, and shall not necessarily preclude the Commission from pursuing appropriate enforcement actions and administrative penalties associated with such violations, as provided in 30 TAC §213.10 of Commission rules.
- VII. This approval letter is being issued for regulated activities (as defined in Chapter 213) and for best management practices presented in the application. This approval does not constitute a water right permit or authorization from the TCEQ Dam Safety Program. Failure to obtain all necessary authorizations could result in enforcement actions. For more information on Water Rights Permits, please refer to:

http://www.tceq.state.tx.us/permitting/water_supply/water_rights/wr_amiregulated.html

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For more information on the Dam Safety program, please refer to:

http://www.tceq.state.tx.us/compliance/field_ops/dam_safety/damsafetyprog.html

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 and/or authorizations from other TCEQ Programs (i.e., Storm Water, Water Rights, UIC) 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 WPAP 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 WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.
6. Modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
7. 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.
8. 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 TCEQ may monitor storm water 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.
9. All borings with depths greater than or equal to 20 feet must be plugged with non-shrink grout from the bottom of the hole to within three (3) feet of the surface. The remainder of the hole must be

Mr. William Vandenbosch, AIA

August 25, 2009

Page 4

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:

10. 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.
11. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 6, above.
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 wells exist 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 storm water discharge pollutants.
15. Intentional discharges of sediment laden 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.


Mr. William Vandembosch, AIA
August 25, 2009
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After Completion of Construction:

18. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
19. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. The regulated entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.
20. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, a new Edwards Aquifer protection plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
21. An Edwards Aquifer protection plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Edwards Aquifer protection plan must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.
22. 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.

If you have any questions or require additional information, please contact Charly Fritz of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4065.

Sincerely,


Mark R. Vickery
Executive Director
Texas Commission on Environmental Quality

MRV/CEF/eg

Enclosures: Deed Recordation Affidavit, Form TCEQ-0625
Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-10263

cc: Mr. Armando Niebla, P.E., Bury+Partners
Mr. James Klein, P.E., City Engineer, City of New Braunfels,
Mr. Thomas Hornseth, P.E., Comal County Engineer
Ms. Velma Danielson, General Manager, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC212

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 14, 2010

Mr. William Vandenbosch, AIA
NB Retail, Ltd.
801 Congress Ave., Suite 300
Austin, TX 78701

Re: Edwards Aquifer, Bexar County
NAME OF PROJECT: WestPointe Village; Located at the southwest corner of Loop 337 and Hwy. 46; New Braunfels, Texas
TYPE OF PLAN: Request for the Modification to an Approved Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer
Edwards Aquifer Protection Program ID No. 2873.04; Investigation No. 795292; Regulated Entity No. RN105739023

Dear Mr. Vandenbosch:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP modification for the above-referenced project submitted to the San Antonio Regional Office by Bury+Partners on behalf of NB Retail, Ltd. on March 5, 2010. Final review of the WPAP was completed after additional material was received on May 7, 2010. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer'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 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.*

BACKGROUND

The original WPAP was approved on August 25, 2009. The 37.00 acre site included the construction of 16.12 acres of impervious cover, consisting of a commercial shopping center and associated parking lots, driveways and utilities. The permanent BMP (wet basin) was designed larger than required for future development that was not included in the original WPAP.

PROJECT DESCRIPTION

The proposed commercial project will have an area of approximately 1.16 acres within the larger 37.00 acre site. Construction of Lot 10 will include one commercial building, parking area, driveways and utilities. The increase in impervious cover will be 0.80 acres. The total impervious cover for the larger

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

37.00 acre site is now 16.92 acres (45.73 percent). Project wastewater will be disposed of by conveyance to the existing Gruene Water Recycling Center owned by New Braunfels Utility.

PERMANENT POLLUTION ABATEMENT MEASURES

To prevent the pollution of stormwater runoff originating on-site or upgradient of the site and potentially flowing across and off the site after construction, a wet basin, designed using the TCEQ technical guidance document, Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices (2005), is under construction, based upon the previously approved WPAP, to treat stormwater runoff. The required total suspended solids (TSS) treatment for this project is 14,846 pounds of TSS generated from the 16.92 acres of impervious cover with 0.38 acres of existing impervious cover. The approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

No changes have been proposed to the design of the wet basin; only the minimum design requirements have been increased based upon the new impervious cover. The wet basin has been designed with a permanent pool volume of 126,728 cubic feet at the 852 elevation contour (75,017 cubic feet required) and a water quality volume of 246,881 cubic feet at the 854 foot elevation contour (137,531 cubic feet required).

GEOLOGY

According to the geologic assessment included with the application, three non-sensitive geologic and manmade features exist at the site. The two geologic features were further excavated by hand and determined to have a low infiltration rating by the project geologist. The San Antonio Regional Office did not conduct a site assessment.

SPECIAL CONDITIONS

- I. This modification is subject to all Special and Standard Conditions listed in the WPAP approval letter dated August 25, 2009.
- II. This modification approval is only related to Lot 10. Construction of impervious cover in Phase II, outside of Lot 10, will require separate modifications to the original WPAP.
- III. The wet basin BMP shall be operational prior to occupancy of this facility.

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) 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 WPAP 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 WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.
6. Modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
7. 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.
8. 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 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.
9. All borings with depths greater than or equal to 20 feet must be plugged with 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:

10. 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.
11. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during

May 14, 2010

- construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 6, above.
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 wells are located onsite. 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. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
19. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. The regulated entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the

Mr. William Vandenbosch

Page 5

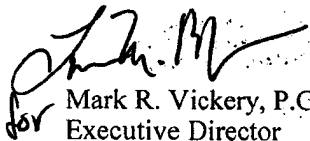
May 14, 2010

transfer of responsibility must be filed with the executive director through San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.

20. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, a new Edwards Aquifer protection plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
21. An Edwards Aquifer protection plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Edwards Aquifer protection plan must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.
22. 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.

If you have any questions or require additional information, please contact Charly Fritz of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4065.

Sincerely,



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

MRV/CEF/eg

Enclosures: Deed Recordation Affidavit, Form TCEQ-0625
Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-10263

cc: Mr. Mark Johnson, P.E., Bury+Partners
Mr. James Klein, P.E., City Engineer, City of New Braunfels
Mr. Thomas Hornseth, P.E., Comal County Engineer
Mr. Karl J. Dreher, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC 212

Doc# 20100104062 Fees: \$40.00
06/14/2010 10:53AM # Pages 7
Filed & Recorded in the Official Public
Records of BEXAR COUNTY
GERARD RICKHOFF COUNTY CLERK

Any provision herein which restricts the sale, or use of the described real
property because of race is invalid and unenforceable under Federal law
STATE OF TEXAS, COUNTY OF BEXAR
I hereby Certify that this instrument was FILED in File Number Sequence on
this date and at the time stamped hereon by me and was duly RECORDED
in the Official Public Record of Real Property of Bexar County, Texas on:

JUN 14 2010



Gerard Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

SCANNED

LT1-81-20100104062-1

Deed Recordation Affidavit
Edwards Aquifer Protection Plan

THE STATE OF TEXAS §

County of Bexar §

BEFORE ME, the undersigned authority, on this day personally appeared William VandenBosch who, being duly sworn by me deposes and says:

- (1) That my name is William VandenBosch and that I own the real property described below.
- (2) That said real property is subject to an EDWARDS AQUIFER PROTECTION PLAN which was required under the 30 Texas Administrative Code (TAC) Chapter 213.
- (3) That the EDWARDS AQUIFER PROTECTION PLAN for said real property was approved by the Texas Commission on Environmental Quality (TCEQ) on May 14, 2010.

A copy of the letter of approval from the TCEQ is attached to this affidavit as Exhibit A and is incorporated herein by reference.

- (4) The said real property is located in Comal County, Texas, and the legal description of the property is as follows:

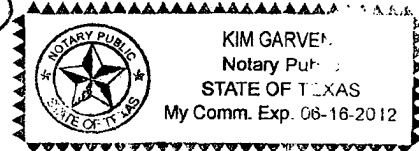
A 1.160 acre tract of land known as Lot 10, Block 1 of the Westpointe Village Subdivision Unit 2 out of a 42.538 acre tract of land being a portion of the 43.71 acres deeded to NB Retail, Ltd., recorded in document No. 200706048255 of the Official Records, Comal County, Texas.

NB Retail, Ltd.

By William VandenBosch V.P.
LANDOWNER-AFFIANT
NB Retail, Ltd.

SWORN AND SUBSCRIBED TO before me, on this 11 day of June 2010.

[Signature]
NOTARY PUBLIC



THE STATE OF TEXAS §

County of Bexar §

BEFORE ME, the undersigned authority, on this day personally appeared William VandenBosch known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 11 day of June 2010.

[Signature]
NOTARY PUBLIC

Kim Garven
Typed or Printed Name of Notary

MY COMMISSION EXPIRES: 06/16/2012

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 30, 2010

Mr. William Vandenbosch, AIA
NB Retail, Ltd.
801 Congress Ave., Suite 300
Austin, TX 78701

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: WestPointe Village (Discount Tire Site); Located at the southwest corner of Loop 337 and Hwy. 46; New Braunfels, Texas
TYPE OF PLAN: Request for the Modification to an Approved Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer
San Antonio File No. 2873.05; Investigation No. 842195; Regulated Entity No. RN105739023

Dear Mr. Vandenbosch:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP modification for the above-referenced project submitted to the San Antonio Regional Office by Bury+Partners on behalf of NB Retail, Ltd. on July 1, 2010. Final review of the WPAP was completed after additional material was received on August 30, 2010. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer'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 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.*

BACKGROUND

The original WPAP was approved on August 25, 2009. The 37.00 acre site included the construction of 16.12 acres of impervious cover, consisting of a commercial shopping center and associated parking lots, driveways and utilities. The permanent BMP (wet basin) was designed larger than required for future development that was not included in the original WPAP.

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

The first lot in Phase II was approved by letter on May 14, 2010. The 1.16 acre site within the 37.00 acre development added 0.80 acres of impervious cover. The total impervious cover for the site was increased to 16.92 acres.

PROJECT DESCRIPTION

The proposed commercial project will have an area of approximately 1.066 acres within the larger 37.00 acre site. Construction of Lot 7, Block 1 will include one commercial building, parking area, and driveways. The increase in impervious cover will be 0.80 acres. The total impervious cover for the larger 37.00 acre site is now 17.71 acres (47.86 percent). Project wastewater will be disposed of by conveyance to the existing Gruene Water Recycling Center owned by New Braunfels Utility.

PERMANENT POLLUTION ABATEMENT MEASURES

To prevent the pollution of stormwater runoff originating on-site or upgradient of the site and potentially flowing across and off the site after construction, a wet basin, designed using the TCEQ technical guidance document, Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices (2005), has been constructed, based upon the August 25, 2009 WPAP approval, to treat stormwater runoff. The required total suspended solids (TSS) treatment for this project is 15,555 pounds of TSS generated from the 17.71 acres of impervious cover with 0.38 acres of existing impervious cover. There is 1.34 acres of uncaptured impervious cover at the site. The approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

No changes have been proposed to the layout, specifications, or the designed water quality and permanent pool volumes of the wet basin. The minimum water quality and permanent pool volumes increased due to the increase in TSS associated with this approval. The wet basin has been designed with a permanent pool volume of 126,728 cubic feet (77,648 cubic feet required) at the 852 elevation contour and a water quality volume of 246,881 cubic feet (142,355 cubic feet required) at the 854 foot elevation contour. The wet basin has a drainage area of 34.72 acres with 16.37 acres of impervious cover.

GEOLOGY

According to the geologic assessment included with the application, three non-sensitive geologic and manmade features exist at the site. The two geologic features were further excavated by hand and determined to have a low infiltration rating by the project geologist. The San Antonio Regional Office did not conduct a site assessment.

SPECIAL CONDITIONS

- I. This modification is subject to all Special and Standard Conditions listed in the WPAP approval letter dated August 25, 2009.
- II. This modification approval is only for the regulated activities proposed for Lot 7, Block 1. Regulated activities in Phase II that have not previously been approved by TCEQ will require a separate modification(s) to the original WPAP.

- III. The wet basin shall be operational prior to occupancy of this facility.
- IV. The drainage area of the basin has been designed to capture a maximum 34.72 acres with 24.62 acres of impervious cover but the TSS amount designed to be treated by the basin is 22,961 pounds of TSS which accounts for 1.34 acres of uncaptured impervious cover. It is the owner's responsibility to track both the acreage and TSS treatment values.

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) 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 WPAP 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 WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.
- 6. Modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
- 7. 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.

8. 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 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.
9. All borings with depths greater than or equal to 20 feet must be plugged with 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:

10. 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.
11. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 6, above.
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 wells are located onsite. 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. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
19. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. The regulated entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.
20. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, a new Edwards Aquifer protection plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
21. An Edwards Aquifer protection plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed

Mr. William Vandebosch

Page 6

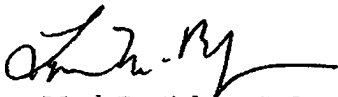
August 30, 2010

within ten years from the initial approval of a plan. A new Edwards Aquifer protection plan must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.

22. 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.

If you have any questions or require additional information, please contact Charly Fritz of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4065.

Sincerely,



Mark R. Vickery, P.G.

Executive Director

Texas Commission on Environmental Quality

MRV/CEF/eg

Enclosure: Deed Recordation Affidavit, Form TCEQ-0625
Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-10263

cc: Mr. Ray Méndez, P.E., Bury+Partners
Mr. James Klein, P.E., City Engineer, City of New Braunfels
Mr. Thomas Hornseth, P.E., Comal County Engineer
Mr. Karl J. Dreher, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC 212

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SCANNED



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Deed Recordation Affidavit
Edwards Aquifer Protection Plan

Received by:

SEP 13 2010

Bury+Partners-SA, Inc.

THE STATE OF TEXAS §

County of Bexar §



LT1-81-20100169486-1

BEFORE ME, the undersigned authority, on this day personally appeared William Vandenberg who, being duly sworn by me deposes and says:

- (1) That my name is William Vandenberg and that I own the real property described below.
- (2) That said real property is subject to an EDWARDS AQUIFER PROTECTION PLAN which was required under the 30 Texas Administrative Code (TAC) Chapter 213.
- (3) That the EDWARDS AQUIFER PROTECTION PLAN for said real property was approved by the Texas Commission on Environmental Quality (TCEQ) on 8/30/2010.

A copy of the letter of approval from the TCEQ is attached to this affidavit as Exhibit A and is incorporated herein by reference.

- (4) The said real property is located in Comal County, Texas, and the legal description of the property is as follows:

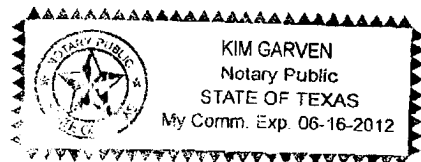
William Vandenberg VP
LANDOWNER-AFFIANT
NE Retail, Ltd

SWORN AND SUBSCRIBED TO before me, on this 9 day of Sept, 2010

Kim Garven
NOTARY PUBLIC

THE STATE OF Texas §

County of Bexar §



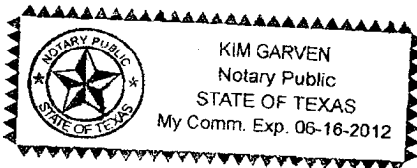
BEFORE ME, the undersigned authority, on this day personally appeared William Vandenberg known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 9 day of Sept, 2010.

Kim Garven
NOTARY PUBLIC

Kim Garven
Typed or Printed Name of Notary

MY COMMISSION EXPIRES: 6/16/2012



LT2-14650-760-7

Doc# 20100189486 Fees: \$40.00
09/20/2010 3:01PM # Pages 7
Filed & Recorded in the Official Public
Records of BEXAR COUNTY
GERARD RICKHOFF COUNTY CLERK

Any provision herein which restricts the sale, or use of the described real
property because of race is invalid and unenforceable under Federal law
STATE OF TEXAS, COUNTY OF BEXAR
I hereby Certify that this Instrument was FILED in File Number Sequence on
this date and at the time stamped hereon by me and was duly RECORDED
in the Official Public Record of Real Property of Bexar County, Texas on:

SEP 20 2010



Gerard Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

Filed and Recorded
Official Public Records
Joy Streater, County Clerk
Comal County, Texas
12/01/2010 03:14:21 PM
CASHFOUR
201006040381



Joy Streater

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 16, 2010

Mr. Billy Crawley
JP Morgan Chase Bank, N.A.
712 Main St., 3rd Floor, MC TX2-No89
Houston, TX 77002-3231

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: Chase Bank at WestPointe Village, Located at the southeast corner of State Highway 46 and Independence Dr., New Braunfels, Texas
TYPE OF PLAN: Request for the Modification to an Approved Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer
Edwards Aquifer Protection Program ID No. 2873.06; Investigation No. 865399;
Regulated Entity No. RN106003015

Dear Mr. Crawley:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP modification for the above-referenced project submitted to the San Antonio Regional Office by Doucet & Associates, Inc. on behalf of JP Morgan Chase Bank, N.A. on September 17, 2010. Final review of the WPAP was completed after additional material was received on November 5, 2010. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer'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 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.*

BACKGROUND

The Chase Bank site is part of a larger 37.00 acre site with 25.96 acres of proposed impervious cover. The Westpointe Village Shopping Center WPAP (#2873.02) was approved on August 25, 2009 and included a commercial shopping center with associated parking lots and driveways and one regional wet basin as the water quality treatment device. Also included in the August 25, 2009 WPAP was the preparation of seven pad sites surrounding the shopping center, which required prior approval of a pad-specific modification before physical construction on the pad

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site could commence. Chase Bank is the third pad site to be approved. A summary of the approved WPAPs, impervious cover amounts and TSS amounts for the Westpointe Village Shopping Center is summarized in the Table 1, below.

Table 1: Westpointe Village Impervious Cover and TSS Summary		
	Total Impervious Cover (ac)	TSS Removal (lb/yr)
Westpointe Village Shopping Center: Designed Values (Approved 08/29/2009)	25.96	22,961 ^A
Phase 1 - HEB and Roads	14.78	12,925 ^A
Phase 1 - Uncaptured Area	1.34	1,203
Pad 3 - Whataburger (Approved 5/14/2010)	0.80	718
Pad 7 - Discount Tires (Approved 8/30/2010)	0.80	718
Pad 2 - Chase Bank (This Approval)	0.85	763
Subtotal	18.57	16,327
Amount Remaining	7.39	6,633
Note: The wet basin was sized for a drainage area of 34.72 acres total and 24.62 acres of impervious cover with TSS compensation for 1.34 acres of uncaptured impervious cover. A - The TSS removal amount includes 0.38 acres of existing impervious cover.		

PROJECT DESCRIPTION

The proposed commercial project will have an area of approximately 1.396 acres. It will include the construction of one commercial building and the associated parking lot. The increase in impervious cover will be 0.85 acres. The total impervious cover for the 37.00 acre site is now 18.57 acres (50.19 percent). Project wastewater will be disposed of by conveyance to the existing Gruene Water Recycling Center owned by New Braunfels Utility.

PERMANENT POLLUTION ABATEMENT MEASURES

To prevent the pollution of stormwater runoff originating on-site or upgradient of the site and potentially flowing across and off the site after construction, one wet basin, designed using the TCEQ technical guidance document, Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices (2005), has been constructed to treat storm water runoff. The Chase Bank site contributes 763 pounds of TSS from the 0.85 acres of impervious cover. The required total suspended solids (TSS) treatment for the 37.00 acre site is 16,327 pounds of TSS generated from the 18.57 acres of impervious cover with 0.38 acres of existing impervious cover. There is 1.34 acres of uncaptured impervious cover at the site. The approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

No changes have been proposed to the layout, specification or the design of the wet basin. The minimum water quality volume and permanent pool volume have increased due to the increase in TSS associated with this approval. The wet basin has been designed with a permanent pool volume of 126,728 cubic feet (80,637 cubic feet required) at the 852 elevation contour and a water quality volume of 246,881 cubic feet (147,835 cubic feet required) at the 854 foot elevation contour. The wet basin has a drainage area of 34.72 acres with 17.23 acres of impervious cover.

GEOLOGY

According to the geologic assessment included with the application, three non-sensitive geologic and manmade features exist at the larger 37.00 acre site. The two geologic features were further excavated by hand and determined to have a low infiltration rate by the project geologist. The 1.396 acre site did not have any geologic or manmade features located within the site boundaries. The San Antonio Regional Office conducted site assessments during the review of the original development and then again as part of this WPAP review. The first site assessment was conducted on July 30, 2009 and revealed the site as described in the geologist assessment. The site assessment conducted on October 22, 2010 revealed the site had been graded and leveled as proposed in the original development. The natural conditions could not be noted during the second site assessment.

SPECIAL CONDITIONS

- I. This modification is subject to all Special and Standard Conditions listed in the WPAP approval letter dated August 25, 2009.
- II. This modification approval is only for the regulated activities proposed on Lot 11. Regulated activities in Phase II that have not been previously approved by TCEQ will require a separate modification(s) to the original WPAP.

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) 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 WPAP 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
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WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.

6. Modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
7. 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.
8. 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 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.
9. All borings with depths greater than or equal to 20 feet must be plugged with 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:

10. 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.
 11. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 6, above.
 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
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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 wells are located onsite. 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:

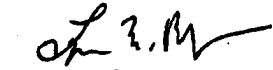
18. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
 19. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. The regulated entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.
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November 16, 2010

20. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, a new Edwards Aquifer protection plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
21. An Edwards Aquifer protection plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Edwards Aquifer protection plan must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.
22. 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.

If you have any questions or require additional information, please contact Charly Fritz of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4065.

Sincerely,



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

MRV/CEF/eg

Enclosures: Deed Recordation Affidavit, Form TCEQ-0625
Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-10263

cc: Mr. Joe Grasso, P.E., Doucet & Associates, Inc.
Mr. James Klein, P.E., City Engineer, City of New Braunfels
Mr. Thomas Hornseth, P.E., Comal County Engineer
Mr. Karl Dreher, General Manager, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC 212

Filed and Recorded
Official Public Records
Joy Streater, County Clerk
Comal County, Texas
12/20/2010 12:31:51 PM
CASHTHREE
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Deed Recordation Affidavit
Edwards Aquifer Protection Plan

THE STATE OF TEXAS §
County of Bexar §

BEFORE ME, the undersigned authority, on this day personally appeared H. Wade McGinnis who, being duly sworn by me deposes and says:

- (1) That my name is H. Wade McGinnis and that I represent the owner of the real property described below.
- (2) That said real property is subject to an EDWARDS AQUIFER PROTECTION PLAN which was required under the 30 Texas Administrative Code (TAC) Chapter 213.
- (3) That the EDWARDS AQUIFER PROTECTION PLAN for said real property was approved by the Texas Commission on Environmental Quality (TCEQ) on November 16, 2010.

A copy of the letter of approval from the TCEQ is attached to this affidavit as Exhibit A and is incorporated herein by reference.

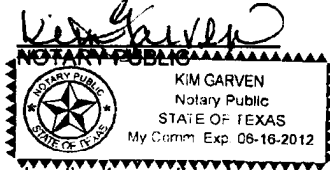
- (4) The said real property is located in Comal County, Texas, and the legal description of the property is as follows:

1.396 acre tract of land, located in the City of New Braunfels, Comal County, Texas, being parts of Lots 10 and 11, Block 1, WestPointe Subdivision, Unit 2, Comal County, Texas, according to the map or plat thereof, recorded in Document No. 201006009911, Map or Plat Records of Comal County, Texas.

LANDOWNER-AFFIANT
NB Retail, Ltd., a Texas limited partnership
By: H. Wade McGinnis, Vice President, B&O Management Company, L.L.C., sole member of B&O Development G.P., L.L.C., general partner of NB Retail, Ltd.

SWORN AND SUBSCRIBED TO before me, on this 14th day of December, 2010.

THE STATE OF TEXAS §
County of BEXAR §



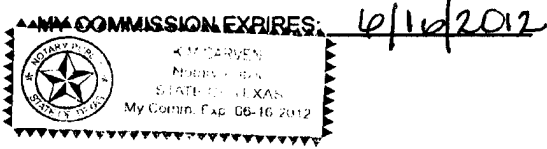
BEFORE ME, the undersigned authority, on this day personally appeared H. Wade McGinnis known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 14th day of December, 2010.

NOTARY PUBLIC

Kim Garven
Typed or Printed Name of Notary

TCEQ-0625 (Rev. 10/01/04)



Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 15, 2011

Mr. Wade McGinnis
NB Retail, Ltd.
801 Congress Ave., Suite 300
Austin, TX 78701

Re: Edwards Aquifer Protection Program, Comal County

Name of Project: Westpointe Village, Phase 2; Located at the southwest corner of Hwy. 46 and Loop 337, New Braunfels, Texas

Type of Plan: Request for a Modification to an Approved Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer

Edwards Aquifer Protection Program San Antonio File No. 2873.08; Investigation No. 932617; Regulated Entity No. RN105739023

Dear Mr. McGinnis:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP modification for the above-referenced project submitted to the San Antonio Regional Office by Bury+Partners on behalf of NB Retail, Ltd. on June 2, 2011. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer'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 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.*

Background

The Phase 2 site is part of a larger 37.00 acre site with 25.96 acres of proposed impervious cover. The Westpointe Village Shopping Center WPAP (#2873.02) was approved on August 25, 2009 and included a commercial shopping center with associated parking lots and driveways and one regional wet basin as the water quality treatment device. Also included in the August 25, 2009 WPAP was the preparation of seven pad sites surrounding the shopping center, which

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required prior approval of a pad-specific modification before physical construction on the pad site could commence. Phase 2 is the fourth pad site to be approved. A summary of the approved WPAPs, impervious cover amounts and TSS amounts for the Westpointe Village Shopping Center is provided in Table 1, below.

Table 1: Westpointe Village Impervious Cover and TSS Summary		
	Total Impervious Cover (ac)	TSS Removal (lb/yr)
Westpointe Village Shopping Center: Design Values (Approved 8/25/2009)	25.96	22,961 ^A
Phase 1 – HEB and Roads (Approved 8/25/2009)	14.78	12,925 ^A
Phase 1 – Uncaptured Area (Approved 8/25/2009)	1.34	1,203
Pad 3 – Whataburger (Approved 5/14/2010)	0.80	718
Pad 7 – Discount Tires (Approved 8/30/2010)	0.80	718
Pad 2 – Chase Bank (Approved 11/16/2010)	0.85	763
Pad 1 – Phase 2 (This Approval)	2.88	2,585
Subtotal	21.45	18,912
Amount Remaining	4.51	4,049
Note: The wet basin was sized for a drainage area of 34.72 acres total and 24.62 acres of impervious cover with TSS compensation for 1.34 acres of uncaptured impervious cover. A – The TSS removal amount included 0.38 acres of existing impervious cover.		

Project Description

The proposed commercial project will have an area of approximately 4.19 acres. It will include the construction of two commercial retail buildings and associated driveways and parking areas. The increase in impervious cover will be 2.88 acres. The total impervious cover for the 37.00 acre site is now 21.45 acres (57.97 percent). Project wastewater will be disposed of by conveyance to the existing Gruene Road Wastewater Treatment Plant owned by New Braunfels Utilities.

Permanent Pollution Abatement Measures

To prevent the pollution of storm water runoff originating on-site or upgradient of the site and potentially flowing across and off the site after construction, one wet basin, designed using the TCEQ technical guidance document, Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices (2005), has been constructed to treat storm water runoff. The Phase 2 site contributes 2,585 pounds of total suspended solids (TSS) from the 2.88 acres of impervious cover. The required TSS treatment for the 37.00 acre site is 18,912 pounds of TSS generated from the 21.45 acres of impervious cover with 0.38 acres of existing impervious cover. There is 1.34 acres of uncaptured impervious cover at the site. The approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

No changes have been proposed to the layout, specifications or the design of the wet basin. The minimum water quality volume and permanent pool volume have increased due to the increase in TSS associated with this approval. The wet basin has been designed with a permanent pool volume of 126,728 cubic feet (98,184 cubic feet required) at the 852 elevation contour and a water quality volume of 246,881 cubic feet (180,004 cubic feet required) at the 854 foot

elevation contour. The wet basin has a drainage area of 34.72 acres with 20.11 acres of impervious cover.

Geology

According to the geologic assessment included with the application, three non-sensitive geologic and manmade features exist at the larger 37.00 acre site. The two geologic features were further excavated by hand and determined to have a low infiltration rate by the project geologist. The 4.19 acre site did not contain any geologic or manmade features. The San Antonio Regional Office site assessment conducted on June 29, 2011 revealed the site was adequately described by the geologic assessment.

Special Conditions

1. This modification is subject to all Special and Standard Conditions listed in the WPAP approval letter dated August 25, 2009.
2. This modification approval is only for the regulated activities proposed with the 4.19 acre site limits described in the WPAP application. Regulated activities outside the project limits that have not been previously approved by TCEQ will require a separate modification to the original WPAP.

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., Storm water, Water Rights, UIC) 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 WPAP 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 WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.

6. Modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
7. 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.
8. 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 TCEQ may monitor storm water 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.
9. All borings with depths greater than or equal to 20 feet must be plugged with 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:

10. 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.
11. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 6, above.
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 wells are located onsite. 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 storm water 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:

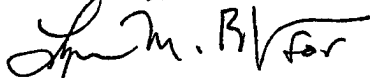
18. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
19. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. The regulated entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.
20. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, a new Edwards Aquifer protection plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
21. An Edwards Aquifer protection plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Edwards Aquifer protection plan must

be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.

22. 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.

If you have any questions or require additional information, please contact Charly Fritz of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4065.

Sincerely,



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

MRV/CEF/eg

Enclosure: Deed Recordation Affidavit, Form TCEQ-0625
Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-10263

cc: Mr. Armando Niebla, P.E., Bury+Partners
Mr. James Klein, P.E., City Engineer, City of New Braunfels
Mr. Thomas Hornseth, P.E., Comal County Engineer
Mr. Karl Dreher, General Manager, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC 212



201306002930 01/18/2013 07:38:59 AM 1/7

Deed Recordation Affidavit
Edwards Aquifer Protection Plan

THE STATE OF TEXAS §
 County of Comal §

BEFORE ME, the undersigned authority, on this day personally appeared H. Wade McGinnis who, being duly sworn by me deposes and says:

- (1) That my name is H. Wade McGinnis and that I represent the owner of the real property described below.
- (2) That said real property is subject to an EDWARDS AQUIFER PROTECTION PLAN which was required under the 30 Texas Administrative Code (TAC) Chapter 213.
- (3) That the EDWARDS AQUIFER PROTECTION PLAN for said real property was approved by the Texas Commission on Environmental Quality (TCEQ) on December 10, 2012.

A copy of the letter of approval from the TCEQ is attached to this affidavit as Exhibit A and is incorporated herein by reference.

- (4) The said real property is located in Comal County, Texas, and the legal description of the property is as follows:

Lot 8, Block 1, Westpointe Subdivision Unit 2, a subdivision in New Braunfels, Comal County, Texas according to the map or plat thereof recorded under Document No. 201006009911 of the Deed and Plat Records of Comal County, Texas.

[Handwritten Signature]

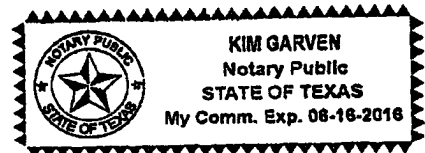
LANDOWNER-AFFIANT

NB Retail, Ltd., a Texas limited partnership

By: H. Wade McGinnis, Vice President, B&O Management Company, L.L.C., sole member of B&O Development G.P., L.L.C., general partner of NB Retail, Ltd.

SWORN AND SUBSCRIBED TO before me, on this 17th day of January, 2013.

[Handwritten Signature]
 NOTARY PUBLIC



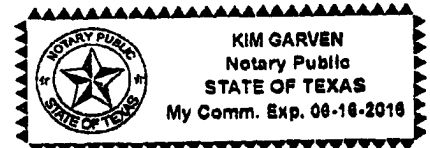
THE STATE OF TEXAS §
 County of BEXAR §

BEFORE ME, the undersigned authority, on this day personally appeared H. Wade McGinnis known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 17th day of January, 2013.

[Handwritten Signature]
 NOTARY PUBLIC

[Handwritten Signature]
 Typed or Printed Name of Notary



MY COMMISSION EXPIRES: 6/16/2016

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 10, 2012

Mr. Milo Burdette
NB Retail, Ltd.
801 Congress Ave., Suite 300
Austin, Texas 78701

Re: Edwards Aquifer, Comal County

Name of Project: Westpointe Village Chick-fil-A; Located at the southwest corner of Hwy. 46 and Loop 337; New Braunfels, Texas

Type of Plan: Request for a Modification to an Approved Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer

Edwards Aquifer Protection Program San Antonio File No. 2873.09; Investigation No. 1031232;
Regulated Entity No. RN105739023

Dear Mr. Burdette:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP Modification Application for the above-referenced project submitted to the San Antonio Regional Office by Bury + Partners on behalf of NB Retail, Ltd. on September 4, 2012. Final review of the WPAP was completed after additional material was received on November 14, 2012 and December 4, 2012. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer'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 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.*

Background

The site is part of a larger 37.00 acre site with 25.96 acres of proposed impervious cover. The Westpointe Village Shopping Center WPAP (EAPP File No. 2873.02) was approved on August 25, 2009 and included a commercial shopping center with associated parking lots and driveways and one regional wet basin as the water quality treatment device. Also included in the August 25, 2009 WPAP

was the preparation of seven pad sites surrounding the shopping center, which required prior approval of a pad-specific modification before physical construction on the pad site could commence. A summary of the approved WPAPs, impervious cover amounts and TSS amounts for the Westpointe Village Shopping Center is provided in Table 1, below.

Table 1: Westpointe Village Impervious Cover and TSS Summary		
	Total Impervious Cover (ac)	TSS Removal (lb/yr)
Westpointe Village Shopping Center: Design Values (Approved 8/25/2009)	25.96	22,961*
Phase 1 – HEB and Roads (Approved 8/25/2009)	14.78	12,925*
Phase 1 – Uncaptured Area (Approved 8/25/2009)	1.34	1,203
Pad 3 – Whataburger (Approved 5/14/2010)	0.80	718
Pad 7 – Discount Tires (Approved 8/30/2010)	0.80	718
Pad 2 – Chase Bank (Approved 11/16/2010)	0.85	763
Pad 1 – Phase 2 (Approved 7/15/2011)	2.88	2,585
Lot 8 – Chick-fil-A (This Approval)	0.86	763
Subtotal	22.31	19,675
Amount Remaining	3.66	3,286

Note: The wet basin was sized for a drainage area of 34.72 acres total and 24.62 acres of impervious cover with TSS compensation for 1.34 acres of uncaptured impervious cover. * The TSS removal amount included 0.38 acres of existing impervious cover

Project Description

The proposed commercial project will have an area of approximately 1.28 acres. It will include the construction of a Chick-fil-A restaurant building, associated driveways, parking areas, and utilities. The increase in impervious cover will be 0.86 acres. The total impervious cover for the 37.00 acre site is now 22.31 acres (60.29 percent). Project wastewater will be disposed of by conveyance to the existing Gruene Road Wastewater Treatment Plant owned by New Braunfels Utilities.

Permanent Pollution Abatement Measures

To prevent the pollution of stormwater runoff originating on-site or upgradient of the site and potentially flowing across and off the site after construction, one wet basin, designed using the TCEQ technical guidance document, Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices (2005), has been constructed to treat stormwater runoff. The Chick-fil-A site contributes 763 pounds of total suspended solids (TSS) from 0.86 acres of impervious cover. The total required treatment for the 37.00 acre site is 19,675 pounds of TSS generated from the 22.31 acres of impervious cover with 0.38 acres of existing impervious cover. There is 1.34 acres of uncaptured

impervious cover at the site. The approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

No changes have been proposed to the layout, specifications or the design of the wet basin. The wet basin has been designed with a permanent pool volume of 126,728 cube feet at the 852 elevation contour and a water quality volume of 246,881 cubic feet at the 854 foot elevation contour. The wet basin drainage area is 34.72 acres with 22.31 acres of impervious cover. The wet basin has two inlets and two separate forebays that lead to a main pool.

Geology

According to the geologic assessment included with the application, three non-sensitive geologic and manmade features exist at the larger 37.00 acres site. The two geologic features were further excavated by hand and determined to have a low infiltration rate by the project geologist. The San Antonio Regional Office did not conduct a site assessment.

Special Conditions

1. This modification is subject to all Special and Standard Conditions listed in the WPAP approval letter dated August 25, 2009.
2. This modification approval is only for regulated activities proposed within the 1.28 acre site limits described in the WPAP application. Regulated activities outside the project limits that have not been previously approved by TCEQ will require a separate modification to the original WPAP.
3. All sediment and/or media removed from the water quality basin during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335, as applicable.
4. For any future modifications to this WPAP, the summary tables in this letter must be updated and included in the application. It is the responsibility of the applicant to maintain this information and keep it current.

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) 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 WPAP 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 WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.
6. Modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
7. 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.
8. 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 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.
9. All borings with depths greater than or equal to 20 feet must be plugged with 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:

10. 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.
11. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during

construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 6, above.

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 wells exist 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. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
19. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. The regulated entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of

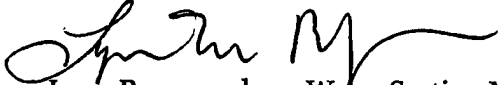
Mr. Milo Burdette
December 10, 2012
Page 6

responsibility must be filed with the executive director through San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.

18. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, a new Edwards Aquifer protection plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
19. An Edwards Aquifer protection plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Edwards Aquifer protection plan must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.
20. 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.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality. If you have any questions or require additional information, please contact Todd Jones of the Edwards Aquifer Protection Program of the San Antonio Regional Office at 210-490-3096.

Sincerely,



Lynn Bumguardner, Water Section Manager
San Antonio Region Office
Texas Commission on Environmental Quality

LMB/TJ/eg

Enclosure: Deed Recordation Affidavit, Form TCEQ-0625
Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-10263

cc: Mr. Chris Crim, P.E., Bury +Partners
Mr. James Klein, P.E. City Engineer, City of New Braunfels
Mr. Thomas Hornseth, P.E., Comal County Engineer
Mr. Roland Ruiz, General Manager, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC 212

Filed and Recorded
Official Public Records
Joy Streater, County Clerk
Comal County, Texas
01/18/2013 07:38:59 AM
TAMMY 7 Page(s)
201306002930



SCANNED

**PAPE-DAWSON
ENGINEERS**

2000 NW Loop 410
San Antonio, TX 78213-2251

Deed Recordation Affidavit
Edwards Aquifer Protection Plan


P12-20160206112-7

THE STATE OF TEXAS §
County of Comal §


BEFORE ME, the undersigned authority, on this day personally appeared Steven Schnur who, being duly sworn by me deposes and says:

- (1) That my name is Steven Schnur and that I represent the owner of the real property described below.
- (2) That said real property is subject to an EDWARDS AQUIFER PROTECTION PLAN which was required under the 30 Texas Administrative Code (TAC) Chapter 213.
- (3) That the EDWARDS AQUIFER PROTECTION PLAN for said real property was approved by the Texas Commission on Environmental Quality (TCEQ) on August 15, 2016.

A copy of the letter of approval from the TCEQ is attached to this affidavit as Exhibit A and is incorporated herein by reference.

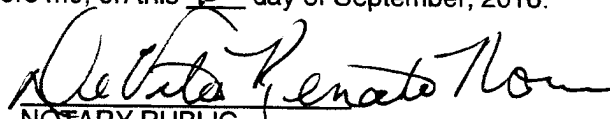
- (4) The said real property is located in Comal County, Texas, and the legal description of the property is as follows:

LOT 9, BLOCK 1, WESTPOINTE SUBDIVISION UNIT 2, CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, ACCORDING TO THE PLAT FILED FOR RECORD AS DOCUMENT NO. 201006009911 OF THE MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS.


LANDOWNER-AFFIANT
LPF WESTPOINTE, LLC,
a Delaware limited liability company
By: Steven Schnur, Vice President

Book 18152 Page 2032 7pgs

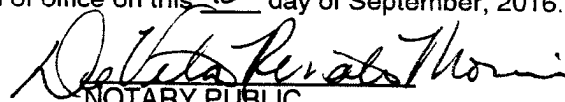
SWORN AND SUBSCRIBED TO before me, on this 12th day of September, 2016.


NOTARY PUBLIC

THE STATE OF Maryland §
County of Baltimore §

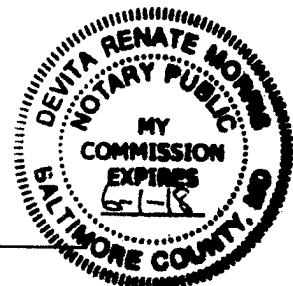
BEFORE ME, the undersigned authority, on this day personally appeared Steven Schnur known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 12th day of September, 2016.


NOTARY PUBLIC

Devita Renate Morris
Typed or Printed Name of Notary

MY COMMISSION EXPIRES: 6-1-18



Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 15, 2016

Mr. Steven Schnur
LPF Westpointe LLC c/o La Salle Property Fund REIT
100 E Pratt St. 20th floor
Baltimore, MD 21202

Re: Edwards Aquifer, Comal County

NAME OF PROJECT: Westpointe Village Taco Cabana #20361; Located at 1675 Highway 46 West;
New Braunfels, Texas

TYPE OF PLAN: Request for Modification of an Approved Water Pollution Abatement Plan (WPAP);
30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer

Regulated Entity No. RN109267377; Additional ID No. 13000198

Dear Mr. Schnur:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP Modification application for the above-referenced project submitted to the San Antonio Regional Office by Pape-Dawson Engineers, Inc. on behalf of LPF Westpointe LLC c/o La Salle Property Fund REIT on July 8, 2016. Final review of the WPAP was completed after additional material was received on August 9, 2016. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) were selected and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer'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 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.*

BACKGROUND

The site is part of a larger 37.00 acre site with 25.96 acres of proposed impervious cover. The Westpointe Village Shopping Center WPAP (EAPP File No.287.02) was approved on August 25,

2009 and included a commercial shopping center with associated parking lots and driveways and one wet basin as the water quality treatment device. Also included in the August 25, 2009 WPAP was the preparation of seven pad sites surrounding the shopping center, which required prior approval of a pad-specific modification before physical construction on the pad site could commence. A summary of the approved WPAPs, impervious cover amounts and TSS amounts for the Westpointe Village Shopping Center is provided in Table 1, below.

Table 1: Westpointe Village Impervious Cover and TSS Summary

	Total Impervious Cover (acres)	TSS Removal (lbs/yr)
Westpointe Village Shopping Center: Design Values (Approved 8/25/2009)	25.96	22,961*
Phase 1- HEB and Roads (Approved 8/25/2009)	14.78	12,925*
Phase 1- Uncaptured Area (Approved 8/25/2009)	1.34	1,203
Pad 3- Whataburger (Approved 5/14/2010)	0.80	718
Pad 7-Discount Tires (Approved 8/30/2010)	0.80	718
Pad 2-Chase Bank (Approved 11/16/2010)	0.85	763
Pad 1-Phase 2 (Approved 7/15/2011)	2.88	2,585
Lot 8- Chick-fil-A (Approved 12/10/2012)	0.86	772
Lot 1A-HEB Parking Lot Expansion (October 20, 2014)	0.32	287
Lot 9-Taco Cabana #20361 (This Approval)	0.75	673
Subtotal	23.38	20,644
Amount Remaining	2.31	2,317

Note: The wet basin was sized for a drainage area of 34.72 acres total and 24.62 acres of impervious cover with TSS compensation for 1.34 acres of uncaptured impervious cover. *The TSS removal amount included 0.38 acres of existing impervious cover.

PROJECT DESCRIPTION

The proposed commercial project will have an area of approximately 1.03 acres of the 37.00 acre site. It will include one commercial restaurant building with associated parking, clearing, grading, excavation, installation of utilities and drainage improvements. The increase in impervious cover will be 0.75 acres. The total impervious cover for the larger 37.00 acres site is now 23.38 acres (63.19 percent). Project wastewater will be disposed of by conveyance to the existing Gruene Water Recycling Center owned by the New Braunfels Utilities.

PERMANENT POLLUTION ABATEMENT MEASURES

To prevent the pollution of stormwater runoff originating on-site or upgradient of the site and potentially flowing across and off the site after construction, one existing wet basin, designed using the TCEQ technical guidance document, Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices (2005), has been constructed to treat stormwater runoff. The Taco Cabana 20361 contributes 673 pounds of total suspended solids (TSS) from 0.75 acres of impervious cover. The total required treatment for the 37.00 acre site is 20,644 pounds of TSS generated from the 23.38 acres of impervious cover with 0.38 acres of existing impervious cover. There is 1.34 acres of uncaptured impervious cover at the site. The

approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

No changes have been proposed to the layout, specifications or the design of the wet basin. The wet basin has been designed with a permanent pool volume of 126,728 cubic feet at the 852 elevation contour and a water quality volume of 246,881 cubic feet at the 854 foot elevation contour. The wet basin drainage area is 34.72 acres with 23.38 acres of impervious cover. The wet basin has two inlets and two separate forebays that lead to a main pool.

GEOLOGY

According to the geologic assessment included with the application, the site is located on the cyclic and marine members of the Person Formation. Two non-sensitive geologic and two sensitive manmade features exist at the 1.03 acres site. The San Antonio Regional Office site assessment conducted on August 5, 2016 revealed that the site was generally as described in the application.

SPECIAL CONDITIONS

- I. This modification is subject to all Special and Standard Conditions listed in the WPAP approval letter dated August 25, 2009, May 14, 2010, August 30, 2010, November 16, 2010, July 11, 2011, December 10, 2012, and October 20, 2014.
- II. This modification approval is only for regulated activities proposed within the 1.03 acre site limits described in the WPAP application. Regulated activities outside the project limits that have not been previously approved by TCEQ will require a separate modification to the original WPAP.
- III. All sediment and/or media removed from the water quality basin during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335, as applicable.
- IV. For any future modifications to this WPAP, the summary tables in this letter must be updated and included in the application. It is the responsibility of the applicant to maintain this information and keep it current.

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) 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 WPAP 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 WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.
6. Modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
7. 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.
8. 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 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.
9. All borings with depths greater than or equal to 20 feet must be plugged with 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:

10. 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.
11. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 6, above.

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 wells exist 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 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. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
 19. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. The regulated entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.
 20. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, a new Edwards Aquifer protection plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan

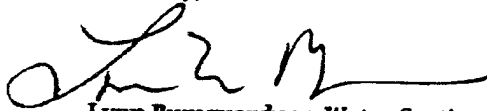
Mr. Steven Schnur
August 15, 2016
Page 6

for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.

21. An Edwards Aquifer protection plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Edwards Aquifer protection plan must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.
22. 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.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality. If you have any questions or require additional information, please contact Monica Reyes of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210)403-4012.

Sincerely,



Lynn Bumguardner, Water Section Manager
San Antonio Region
Texas Commission on Environmental Quality

LB/MR/eg

Enclosure: Deed Recordation Affidavit, Form TCEQ-0625
Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-10263

cc: Mr. Dennis Rion, P.E., Pape-Dawson Engineers, Inc.
Mr. Robert Camareno, City Manager, City of New Braunfels
Mr. George Wissman, Comal Trinity Groundwater Conservation District
Mr. Thomas H. Hornseth, P.E., Comal County
Mr. Roland Ruiz, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC 212

Doc# 20160206112 Fees: \$50.00
10/18/2016 3:57PM # Pages 7
Filed & Recorded in the Official
Public Records of BEXAR COUNTY
GERARD C. RICKHOFF COUNTY CLERK

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law
STATE OF TEXAS, COUNTY OF BEXAR
I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

OCT 18 2016




COUNTY CLERK BEXAR COUNTY, TEXAS.



201406039861 11/03/2014 03:26:53 PM 1/7

Deed Recordation Affidavit
Edwards Aquifer Protection Plan

THE STATE OF TEXAS §
 County of Comal §

BEFORE ME, the undersigned authority, on this day personally appeared Nicholas Koshiw who, being duly sworn by me deposes and says:

- (1) That my name is Nicholas Koshiw and that I represent the owner of the real property described below.
- (2) That said real property is subject to an EDWARDS AQUIFER PROTECTION PLAN which was required under the 30 Texas Administrative Code (TAC) Chapter 213.
- (3) That the EDWARDS AQUIFER PROTECTION PLAN for said real property was approved by the Texas Commission on Environmental Quality (TCEQ) on October 20, 2014.

A copy of the letter of approval from the TCEQ is attached to this affidavit as Exhibit A and is incorporated herein by reference.

- (4) The said real property is located in Comal County, Texas, and the legal description of the property is as follows:

A 25,752 ACRE TRACT, LOCATED IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING ALL OF LOT 1A, OF THE WESTPOINTE SUBDIVISION UNIT 2, A SUBDIVISION OF RECORDED AS RECORDED AS DOCUMENT No. 201106043085 IN THE OFFICIAL MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS.

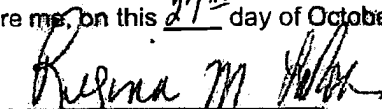


LANDOWNER-AFFIANT

LPF Westpointe, LLC, a Delaware limited liability company

By: Nicholas Koshiw, Vice President, LaSalle Property Fund REIT, Inc.; its managing member

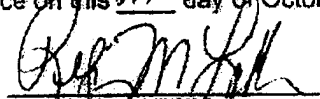
SWORN AND SUBSCRIBED TO before me, on this 27th day of October, 2014.


 NOTARY PUBLIC

THE STATE OF ILLINOIS §
 County of COOK §

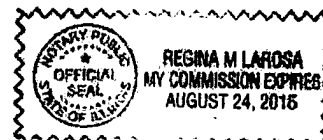
BEFORE ME, the undersigned authority, on this day personally appeared Nicholas Koshiw known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 27th day of October, 2014.


 NOTARY PUBLIC

Regina M. LaRosa

Typed or Printed Name of Notary



MY COMMISSION EXPIRES: 8.24.15

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 20, 2014

Mr. Nicholas Koshwin
La Salle Property Fund REIT, Inc.
200 E Randolph Drive
Chicago, IL 60601

Re: Edwards Aquifer, Comal County

NAME OF PROJECT: Westpointe Village HEB Parking Lot Expansion; Located near the southwest corner of the intersection of State Highway 46 and Loop 337; New Braunfels, Texas

TYPE OF PLAN: Request for Modification of an Approved Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer

Investigation No. 1192289; Regulated Entity No. RN105739023; Additional ID No. 13-14082501

Dear Mr. Koshwin:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP Modification application for the above-referenced project submitted to the San Antonio Regional Office by Bury-SAN, Inc. on behalf of La Salle Property Fund, REIT, Inc. on August 25, 2014. Final review of the WPAP was completed after additional material was received on October 10, 2014 and October 15, 2014. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) were selected and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer'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 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.*

BACKGROUND

The site is part of a larger 37.00 acre site with 25.96 acres of proposed impervious cover. The Westpointe Village Shopping Center WPAP (EAPP File No.2873.02) was approved on August 25, 2009 and included a commercial shopping center with associated parking lots and driveways and one wet basin as the water quality treatment device. Also included in the August 25, 2009 WPAP was the

preparation of seven pad sites surrounding the shopping center, which required prior approval of a pad-specific modification before physical construction on the pad site could commence. A summary of the approved WPAPs, impervious cover amounts and TSS amounts for the Westpointe Village Shopping Center is provided in Table 1, below.

Table 1: Westpointe Village Impervious Cover and TSS Summary

	Total Impervious Cover (ac)	TSS Removal (lb./yr.)
Westpointe Village Shopping Center: Design Values (Approved 8/25/2009)	25.96	22,961*
Phase 1- HEB and Roads (Approved 8/25/2009)	14.78	12,925*
Phase 1- Uncaptured Area (Approved 8/25/2009)	1.34	1,203
Pad 3- Whataburger (Approved 5/14/2010)	0.80	718
Pad 7-Discount Tires (Approved 8/30/2010)	0.80	718
Pad 2-Chase Bank (Approved 11/16/2010)	0.85	763
Pad 1-Phase 2 (Approved 7/15/2011)	2.88	2,585
Lot 8- Chick-fil-A (Approved 12/10/2012)	0.86	763
Lot 1A-HEB Parking Lot Expansion (This Approval)	0.32	287
Subtotal	22.63	19,962
Amount Remaining	3.34	2,999

Note: The wet basin was sized for a drainage area of 34.72 acres total and 24.62 acres of impervious cover with TSS compensation for 1.34 acres of uncaptured impervious cover. *The TSS removal amount included 0.38 acres of existing impervious cover.

PROJECT DESCRIPTION

The proposed commercial project will have an area of approximately 0.80 acres of the 37.00 acre site. It will include an additional parking area. The increase in impervious cover will be 0.32 acres. The total impervious cover for the larger 37.00 acres site is now 22.63 acres (61.16 percent). No wastewater is generated by this project.

PERMANENT POLLUTION ABATEMENT MEASURES

To prevent the pollution of stormwater runoff originating on-site or upgradient of the site and potentially flowing across and off the site after construction, one wet basin, designed using the TCEQ technical guidance document, Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices (2005), has been constructed to treat stormwater runoff. The HEB Parking Lot Expansion contributes 287 pounds of total suspended solids (TSS) from 0.32 acres of impervious cover. The total required treatment for the 37.00 acre site is 19,962 pounds of TSS generated from the 22.63

acres of impervious cover with 0.38 acres of existing impervious cover. There is 1.34 acres of uncaptured impervious cover at the site. The approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

No changes have been proposed to the layout, specifications or the design of the wet basin. The wet basin has been designed with a permanent pool volume of 126,728 cubic feet at the 852 elevation contour and a water quality volume of 246,881 cubic feet at the 854 foot elevation contour. The wet basin drainage area is 34.72 acres with 22.63 acres of impervious cover. The wet basin has two inlets and two separate forebays that lead to a main pool.

GEOLOGY

According to the geologic assessment included with the application, three non-sensitive geologic and manmade features exist at the larger 37.00 acres site. The two geologic features were further excavated by hand and determined to have a low infiltration rate by the project geologist. The 0.80 acre site contained one non-sensitive geologic feature. The San Antonio Regional Office site assessment conducted on September 25, 2014 revealed that the site was generally as described in the application.

SPECIAL CONDITIONS

- I. This modification is subject to all Special and Standard Conditions listed in the WPAP approval letter dated August 25, 2009, May 14, 2010, August 30, 2010, November 16, 2010, July 11, 2011, and December 10, 2012.
- II. This modification approval is only for regulated activities proposed within the 0.80 acre site limits described in the WPAP application. Regulated activities outside the project limits that have not been previously approved by TCEQ will require a separate modification to the original WPAP.
- III. All sediment and/or media removed from the water quality basin during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335, as applicable.
- IV. For any future modifications to this WPAP, the summary tables in this letter must be updated and included in the application. It is the responsibility of the applicant to maintain this information and keep it current.

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) 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 WPAP 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 WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.
6. Modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
7. 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.
8. 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 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.
9. All borings with depths greater than or equal to 20 feet must be plugged with 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:

10. 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.
11. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 6, above.
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 wells exist 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 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. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
19. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. The regulated entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.
20. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, a new Edwards Aquifer protection plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
21. An Edwards Aquifer protection plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Edwards Aquifer protection plan must be submitted to

the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.

22. 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.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality. If you have any questions or require additional information, please contact Monica Reyes of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210)403-4012.

Sincerely,



Lynn Bumguardner, Water Section Manager
San Antonio Region Office
Texas Commission on Environmental Quality

LB/MR/eg

Enclosure: Deed Recordation Affidavit, Form TCEQ-0625
Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-10263

cc: Mr. Michael Sharp P.E., Bury-SAN, Inc
Mr. Charlie Thomas, P.E., City Engineer, City of New Braunfels
Mr. Thomas Hornseth, P.E., Comal County
Mr. Roland Ruiz, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC 212

Filed and Recorded
Official Public Records
Joy Streater, County Clerk
Comal County, Texas
11/03/2014 03:26:53 PM
LAURA 7 Page(s)
201406038851



Joy Streater

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 17, 2017

Mr. Milo Burdette
NB Retail Ltd.
801 Congress Ave., Ste. 300
Austin, Texas 78701

Re: Edwards Aquifer, Comal County

NAME OF PROJECT: Westpointe Village Pad 6 Baptist; Located near the Loop 337 and Highway 46 intersection; New Braunfels, Texas

TYPE OF PLAN: Request for Modification of an Approved Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer

Regulated Entity No. RN105739023; Additional ID No. 13000508

Dear Mr. Burdette:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP modification application for the above-referenced project submitted to the San Antonio Regional Office by Stantec Consulting Services, Inc on behalf of NB Retail Ltd. on September 5, 2017. Final review of the WPAP was completed after additional material was received on November 6, 2017. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) were selected and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer'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 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.*

BACKGROUND

The site is part of a larger 37.00 acre site with 25.96 acres of proposed impervious cover. The Westpointe Village Shopping Center WPAP was approved by letter dated August 25, 2009 and included a commercial shopping center with associated parking lots, driveways, and one wet basin as the water quality treatment device. Also included in the August 25, 2009 WPAP was the preparation of seven pad sites surrounding the shopping center, which required prior approval of a pad-specific modification before physical construction on the pad site could commence. A

summary of the approved WPAPs, impervious cover amounts and TSS amounts for the Westpointe Village Shopping Center is provided in Table I, below.

Table I. Westpointe Village Impervious Cover and TSS Summary		
	Total Impervious Cover (acres)	TSS Removal (lbs/yr)
Westpointe Village Shopping Center: Design Values (Approved 8/25/2009)	25.96	22,961*
Phase 1 - HEB and Roads (Approved 8/25/2009)	14.78	12,925*
Phase 1 - Uncaptured Area (Approved 8/25/2009)	1.34	1,203
Pad 3 - Whataburger (approved 5/14/2010)	0.80	718
Pad 7 - Discount Tires (Approved 8/30/2010)	0.80	718
Pad 2 - Chase Bank (Approved 11/16/2010)	0.85	763
Pad 1 - Phase 2 (Approved 7/15/2011)	2.88	2,585
Lot 8 - Chick-fil-A (approved 12/10/2012)	0.86	772
Lot 1A - HEB Parking Lot Expansion (10/20/2014)	0.32	287
Lot 9 - Taco Cabana #20361 (8/15/2016)	0.75	673
Pad 6 - Baptist Healthcare (This Approval)	0.82	736
Subtotal	24.20	21,380
Amount Remaining	1.76	1,581

Note: The wet basin was sized for a drainage area of 34.72 acres total and 24.62 acres of impervious cover with TSS compensation for 1.34 acres of uncaptured impervious cover. *The TSS removal amount included 0.38 acres of existing impervious cover.

PROJECT DESCRIPTION

The proposed commercial project will have an area of approximately 1.059 acres of the 37.00 acre site. It will include one medical office building with associated parking. The increase in impervious cover will be 0.82 acres. The total impervious cover for the larger 37.00 acres is now 24.20 acres (65.41 percent). Project wastewater will be disposed of by conveyance to the existing Gruene Water Recycling Center owned by the New Braunfels Utilities.

PERMANENT POLLUTION ABATEMENT MEASURES

To prevent the pollution of stormwater runoff originating on-site or upgradient of the site and potentially flowing across and off the site after construction, one existing wet basin, designed using the TCEQ technical guidance document, Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices (2005), will be constructed to treat stormwater runoff. The proposed project contributes 736 pounds of total suspended solids (TSS) from 0.82 acres of impervious cover. The required treatment for the 37.00 acre site is 21,380 pounds of TSS generated from the 24.20 acres of impervious cover with 0.38 acres of existing impervious cover. There is 1.34 acres of uncaptured impervious cover at the site. The approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

No changes have been proposed to the layout, specifications, or the design of the wet basin. The wet basin has been designed with a permanent pool volume of 126,728 cubic feet at the 852 elevation contour and a water quality volume of 245,881 cubic feet at the 854 foot elevation contour. The wet basin drainage area is 34.72 acres with 24.20 acres of impervious cover. The wet basin has two inlets and two separate forebays that lead to the main pool.

GEOLOGY

According to the geologic assessment included with the application, the site lies on the Person Formation. Eight non-sensitive features, seven manmade and one geologic, were identified by the project geologist. The site assessment conducted on October 31, 2017 by San Antonio regional office staff revealed the site was generally as described in the geologic assessment.

SPECIAL CONDITIONS

- I. This modification is subject to all Special and Standard Conditions listed in the WPAP approval letter dated August 25, 2009, and subsequent modifications dated May 14, 2010, August 30, 2010, November 16, 2010, July 15, 2011, December 10, 2012, and October 20, 2014, and August 15, 2016.
- II. This modification approval is only for regulated activities proposed within the 1.059 acre site limits described in the WPAP application. Regulated activity outside the project limits that have not been previously approved by the TCEQ will require a separate modification to the original WPAP.
- III. All sediment and/or media removed from the water quality basin during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335, as applicable.
- IV. For any future modifications to this WPAP, the summary table in this letter must be updated and included in the application. It is the responsibility of the applicant to maintain this information and keep it current.

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) 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 WPAP 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 WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.
6. Modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
7. 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.
8. 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 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.
9. All borings with depths greater than or equal to 20 feet must be plugged with 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:

10. 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.
11. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 6, above.
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 wells exist 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 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:

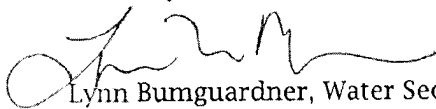
18. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
19. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. The regulated entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.
20. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, a new Edwards Aquifer protection plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
21. An Edwards Aquifer protection plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Edwards Aquifer protection plan must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.

Mr. Milo Burdette
November 17, 2017
Page 6

22. 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.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality. If you have any questions or require additional information, please contact Mr. Joshua Vacek of the Edwards Aquifer Protection Program of the San Antonio Regional Office at 210-403-4028.

Sincerely,



Lynn Bumguardner, Water Section Manager
San Antonio Region
Texas Commission on Environmental Quality

LB/JV/eg

Enclosures: Deed Recordation Affidavit, Form TCEQ-0625
Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-10263

cc: Ms. Rebecca Wang, P.E., Stantec Consulting Services Inc.
Mr. Roland Ruiz, Edwards Aquifer Authority
Mr. Thomas H. Hornseth, P.E., Comal County Engineer
Mr. H. L. Saur, Comal Trinity Groundwater Conservation District
Mr. Robert Camareno, City of New Braunfels

Deed Recordation Affidavit
Edwards Aquifer Protection Plan

105739023
13000534

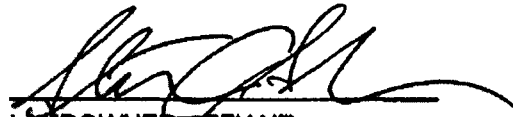
THE STATE OF TEXAS §
County of Comal §

BEFORE ME, the undersigned authority, on this day personally appeared Steven Schnur who, being duly sworn by me, deposes and says:

- (1) That my name is Steven Schnur and that I ~~own~~ ^{represent the owner of} the real property described below.
- (2) That said real property is subject to an EDWARDS AQUIFER PROTECTION PLAN which was required under the 30 Texas Administrative Code (TAC) Chapter 213.
- (3) That the EDWARDS AQUIFER PROTECTION PLAN for said real property was approved by the Texas Commission on Environmental Quality (TCEQ) on December 27, 2017.

A copy of the letter of approval from the TCEQ is attached to this affidavit as Exhibit A and is incorporated herein by reference.

- (4) The said real property is located in Comal County, Texas, and the legal description of the property is as follows:
Lot 1A, Block 1, Westpointe Subdivision Unit 2, a subdivision in New Braunfels, Comal County, Texas according to the map or plat thereof recorded under Document No. 201106043085 if the Deed and Plat Records of Comal County, Texas.


LANDOWNER-AFFIANT
By: Steven Schnur, Vice President
LPF WestPointe, LLC
~~of LaSalle Property Fund REIT, Inc.~~
~~its managing member~~


SWORN AND SUBSCRIBED TO before me, on this 31 day of January 2018

NOTARY PUBLIC

THE STATE OF Maryland
County of Baltimore §

BEFORE ME, the undersigned authority, on this day personally appeared Steven Schnur known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 31 day of January, 2018


NOTARY PUBLIC
Cassandra Powell Austin
Typed or Printed Name of Notary

MY COMMISSION EXPIRES: 8-7-2021

CASSANDRA POWELL-AUSTIN
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES AUG. 7, 2021

Hand Delivered
FEB 12 2018
TCEQ Reg 13

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 27, 2017

Mr. Steve Schnur
LPF Westpointe LLC, c/o La Salle Investment Management, Inc.
100 East Pratt Street, 20th Floor
Baltimore, Maryland 21202

Re: Edwards Aquifer, Comal County

NAME OF PROJECT: Westpointe Village HEB Curbside; Located approximately 0.1 mile southwest of the Highway 46 and Independence Drive intersection; New Braunfels, Texas

TYPE OF PLAN: Request for Modification of an Approved Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer

Regulated Entity No. RN105739023; Additional ID No. 13000534

Dear Mr. Schnur:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP Modification application for the above-referenced project submitted to the San Antonio Regional Office by Stantec Consulting Services, Inc. on behalf of LPF Westpointe LLC, c/o La Salle Investment Management, Inc. on September 26, 2017. Final review of the WPAP was completed after additional material was received on December 4, 2017, and December 12, 2017. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) were selected and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer'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 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.*

BACKGROUND

The site is part of a larger 37.00-acre development with 25.96 acres of proposed impervious cover. The Westpointe Village Shopping Center WPAP (EAPP File No.287.02) was approved on August 25, 2009 and included a commercial shopping center with associated parking lots and driveways and one wet basin as the permanent BMP. Also included in the August 25, 2009 WPAP was the preparation of seven pad sites surrounding the shopping center, which required

prior approval of a pad-specific modification before physical construction on the pad site could commence. A summary of the approved WPAPs, impervious cover amounts and TSS amounts for the Westpointe Village Shopping Center is provided in Table 1, below.

Table 1: Westpointe Village Impervious Cover and TSS Summary		
	Total Impervious Cover (ac)	TSS Removal (lb./yr.)
Westpointe Village Shopping Center: Design Values (Approved 8/25/2009)	25.96	22,961*
Phase 1- HEB and Roads (Approved 8/25/2009)	14.78	12,925*
Phase 1- Uncaptured Area (Approved 8/25/2009)	1.34	1,203
Pad 3- Whataburger (Approved 5/14/2010)	0.80	718
Pad 7-Discount Tires (Approved 8/30/2010)	0.80	718
Pad 2-Chase Bank (Approved 11/16/2010)	0.85	763
Pad 1-Phase 2 (Approved 7/15/2011)	2.88	2,585
Lot 8- Chick-fil-A (Approved 12/10/2012)	0.86	763
Lot 1A-HEB Parking Lot Expansion (10/20/2014)	0.32	287
Lot 9- Taco Cabana #20361 (8/15/2016)	0.75	673
Pad 6- Baptist Healthcare (11/17/2017)	0.82	736
Lot 1A - HEB Curbside (This Approval)	0.03	27
Subtotal	24.23	21,398
Amount Remaining	1.73	1,563

Note: The wet basin was sized for a drainage area of 34.72 acres and 24.62 acres of impervious cover with TSS compensation for 1.34 acres of uncaptured impervious cover. *The TSS removal amount included 0.38 acres of existing impervious cover.

PROJECT DESCRIPTION

The proposed commercial project will have an area of approximately 0.50 acres of the 37.00 acre site. It will include an HEB curbside building. The increase in impervious cover will be 0.03 acres. The total impervious cover for the larger 37.00 acres site is now 24.23 acres (65.49 percent). No wastewater is generated by this project.

PERMANENT POLLUTION ABATEMENT MEASURES

To prevent the pollution of stormwater runoff originating on-site or upgradient of the site and potentially flowing across and off the site after construction, one wet basin, designed using the TCEQ technical guidance document, Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices (2005), has been constructed to treat stormwater

runoff. The HEB Curbside building contributes 27 pounds of total suspended solids (TSS) from 0.03 acres of impervious cover. The total required treatment for the 37.0-acre site is 21,398 pounds of TSS generated from the 24.23 acres of impervious cover with 0.38 acres of existing impervious cover. There are 1.34 acres of uncaptured impervious cover at the site. The approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

No changes have been proposed to the layout, specifications or the design of the wet basin. The wet basin has been designed with a permanent pool volume of 126,728 cubic feet at the 852 foot elevation contour and a water quality volume of 246,881 cubic feet at the 854 foot elevation contour. The wet basin drainage area is 34.72 acres with 24.23 acres of impervious cover. The wet basin has two inlets and two separate forebays that lead to a main pool.

GEOLOGY

According to the geologic assessment included with the application, the site lies on the Person Formation. Eight sensitive manmade features were identified by the project geologist. The San Antonio Regional Office site assessment conducted on November 1, 2017 revealed that the site was generally as described in the application.

SPECIAL CONDITIONS

- I. This modification is subject to all Special and Standard Conditions listed in the WPAP approval letter dated August 25, 2009, May 14, 2010, August 30, 2010, November 16, 2010, July 15, 2011, December 10, 2012, October 20, 2014, August 15, 2016, and November 17, 2017.
- II. This modification approval is only for regulated activities proposed within the 0.50-acre HEB Curbside site limits described in the WPAP application. Regulated activities outside the project limits that have not been previously approved by TCEQ will require a separate modification to the original WPAP.
- III. All sediment and/or media removed from the water quality basin during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335, as applicable.
- IV. For any future modifications to this WPAP, the summary tables contained in this approval letter displaying the total amount of constructed impervious cover and total TSS removal must be updated, if applicable, and presented to TCEQ in future WPAP modification applications.

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) 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 WPAP 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 WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.
6. Modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
7. 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.
8. 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 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.
9. All borings with depths greater than or equal to 20 feet must be plugged with 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:

10. 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.
11. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 6, above.
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 wells exist 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 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. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
19. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. The regulated entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.
20. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, a new Edwards Aquifer protection plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
21. An Edwards Aquifer protection plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Edwards Aquifer protection plan must

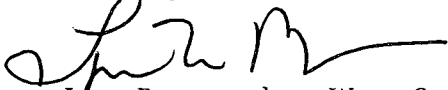
Mr. Steve Schnur
December 27, 2017
Page 6

be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.

22. 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.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality. If you have any questions or require additional information, please contact Monica Reyes of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210)403-4012.

Sincerely,



Lynn Bumguardner, Water Section Manager
San Antonio Region
Texas Commission on Environmental Quality

LB/MR/eg

Enclosures: Deed Recordation Affidavit, Form TCEQ-0625
Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-10263

cc: Ms. Heather E.S. O'Gorman, Stantec Consulting Services, Inc.
Mr. Mark Enders, City of New Braunfels
Mr. Thomas Hornseth, P.E., Comal County
Mr. Roland Ruiz, Edwards Aquifer Authority
Mr. H.L. Saur, Comal Trinity GWCD

ATTACHMENT B – NARRATIVE OF PROPOSED MODIFICATION

TCEQ-0590

ATTACHMENT B

NARRATIVE OF PROPOSED MODIFICATION

H-E-B, LP – There are no proposed modifications to the existing permanent Best Management Practices structure, the wet basin, provided with the WestPointe Village Development. The previously approved Water Pollution Abatement Plan (WPAP MOD) is a Modification to the approved Westpointe Village (HEB Curbside)- Water Pollution Abatement Plan (RN 105739023). The previously approved plan is for an area of approximately 0.50 acres of the 37.00-acre site with an HEB curbside building and parking. For this modification H-E-B, LP is proposing to expand the surface parking for additional partner parking. A 5' concrete vertical wall pond will discharge into a 36" HDPE storm drain tying into the existing storm system for the proposed site.

The proposed consists of the development of partner parking located northwest of the HEB building. The project is located within the city limits of the City of New Braunfels in Comal County, Texas. The entire site is within the Edwards Aquifer Recharge zone (EARZ), and is within the sub-watershed of Comal Creek, a tributary of the Guadalupe River.

In summary, the water quality basin was approved in 2009 by TCEQ to remove a total of 22,961 lbs/year of TSS from 25.96 acres of impervious cover. The proposed parking lot expansion will result in 67.86% impervious cover on-site. To prevent the pollution of stormwater runoff, the proposed pond will discharge into the existing storm system that outfalls into the previously approved Water Pollution Abatement Plan (RN 105739023) wet basin as designed using the TCEQ technical guidance document.

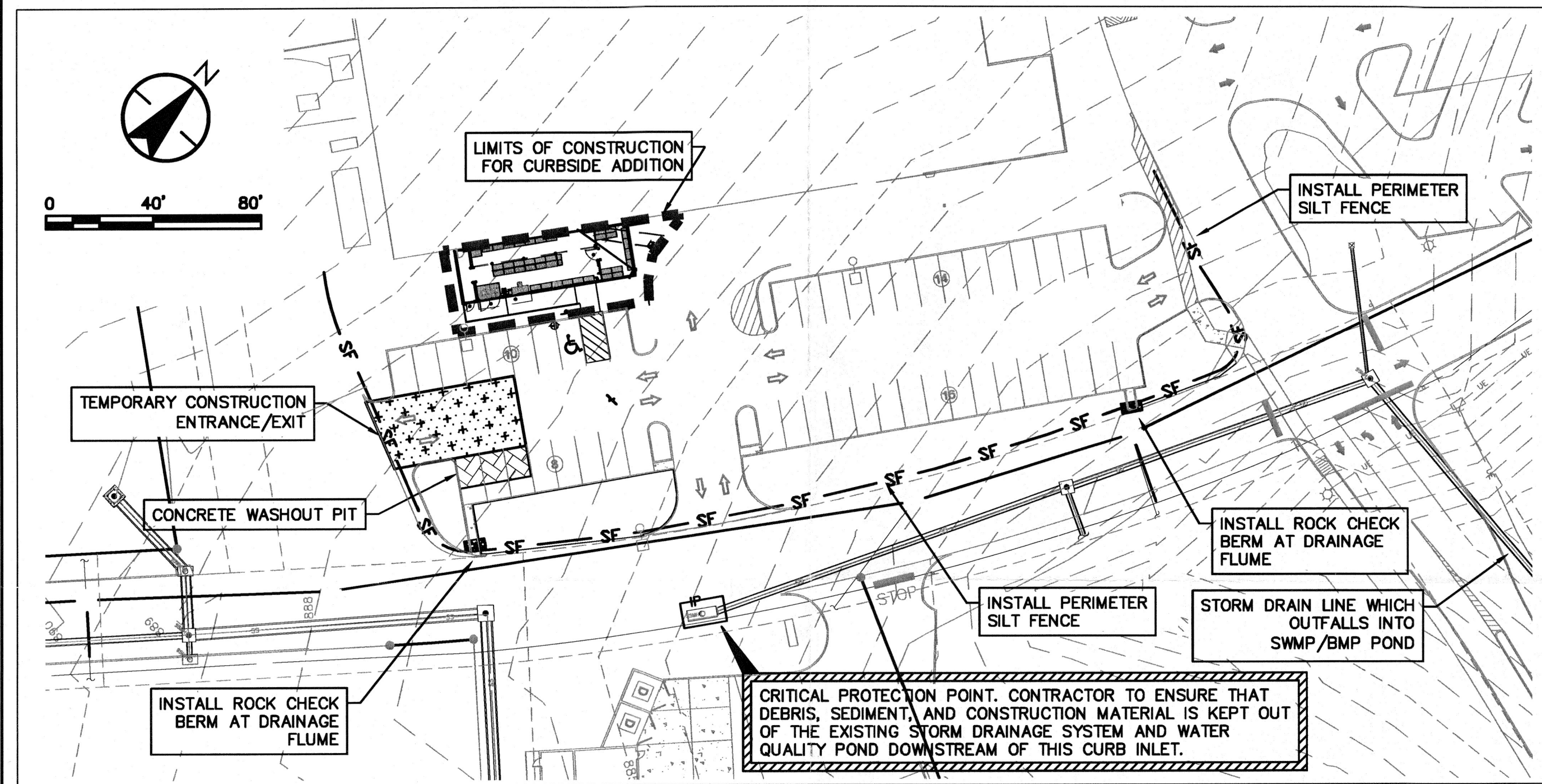
The existing wet basin has sufficient capacity to provide treatment of runoff for the proposed HEB parking lot expansion in accordance with the approved Water Pollution Abatement Plan.

**ATTACHMENT C – CURRENT SITE PLAN OF THE APPROVED
PROJECT**

TCEQ-0590

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ORIGINAL SHEET - ARCH D



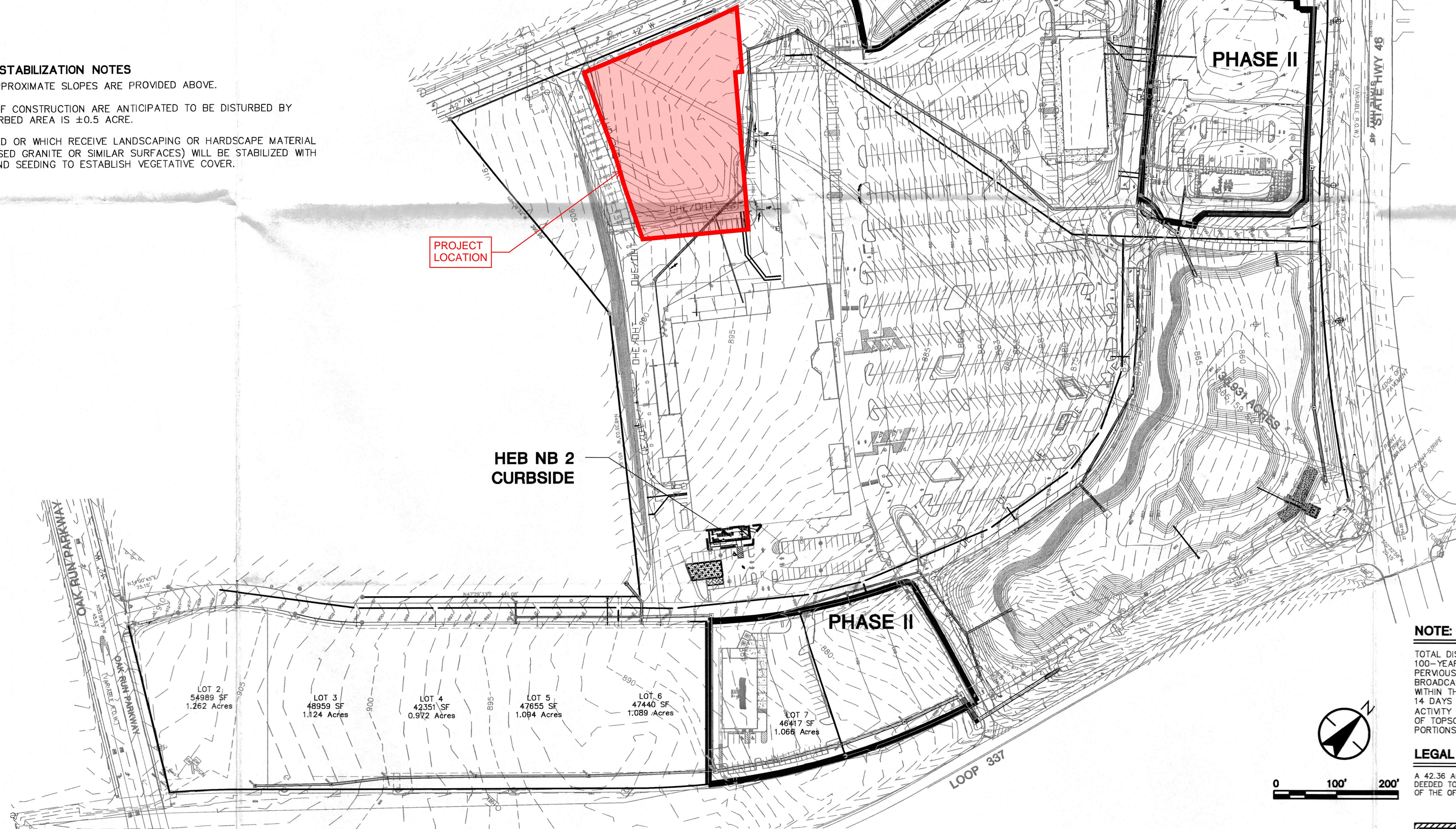
TCEQ SITE PLAN FOR HEB NEW BRAUNFELS 2 CURBSIDE
LOT 1A, BLOCK 1
WESTPOINTE VILLAGE SUBDIVISION

FINAL STABILIZATION NOTES

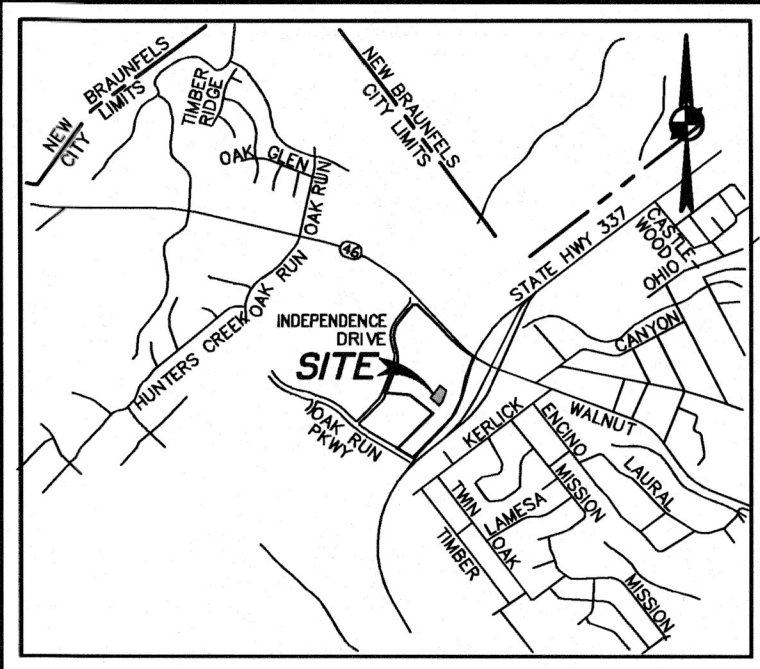
THE DRAINAGE PATTERNS AND APPROXIMATE SLOPES ARE PROVIDED ABOVE.

NO AREA'S OUTSIDE THE LIMITS OF CONSTRUCTION ARE ANTICIPATED TO BE DISTURBED BY CONSTRUCTION. THE TOTAL DISTURBED AREA IS ± 0.5 ACRE.

ALL AREAS WHICH ARE NOT PAVED OR WHICH RECEIVE LANDSCAPING OR HARDSCAPE MATERIAL (CONCRETE SIDEWALKS, DECOMPOSED GRANITE OR SIMILAR SURFACES) WILL BE STABILIZED WITH GRASS BY MEANS OF SODDING AND SEEDING TO ESTABLISH VEGETATIVE COVER.



DEVELOPMENT TCEQ SITE PLAN



VICINITY MAP
N.T.S.
NEW BRAUNFELS, TEXAS

LEGEND		
EXISTING	PROPOSED	DESCRIPTION
(XXX)	---	PROPERTY (R.O.W.) LINE / SUBDIVISION BOUNDARY
---	---	RECORD INFORMATION
---	---	LIGHT POLE
---	---	POWER POLE
---	---	DOWN GUY
---	---	TRANSFORMER (SIZE VARIES)
---	---	FIRE HYDRANT
---	---	WATER VALVE
---	---	WATER METER
---	---	WATER METER VAULT
---	---	WATER MANHOLE
---	---	TELEPHONE RISER
---	---	CABLE TV RISER
---	---	ELECTRIC BOX
---	---	ELECTRIC METER
---	---	GAS METER
---	---	GAS VALVE
---	---	TRAFFIC CONTROL BOX
---	---	TRAFFIC SIGNAL POST
---	---	UNDERGROUND GAS LINE MARKER
---	---	TELEPHONE RISER
---	---	GRATE INLET
---	---	CURB INLET (SIZE VARIES)
---	---	GREASE TRAP (SIZE VARIES)
---	---	WIRE FENCE
---	---	WOOD FENCE
---	---	CHAIN LINK FENCE
---	---	OVERHEAD ELECTRIC
---	---	ELECTRIC MANHOLE (SIZE VARIES)
---	---	WASTEWATER MANHOLE (SIZE VARIES)
---	---	STORMSEWER MANHOLE (SIZE VARIES)
---	---	TELEPHONE MANHOLE (SIZE VARIES)
---	---	DUMPSTER
---	---	TRASH COMPACTOR
---	---	CONCRETE CURB
---	---	EDGE OF PAVEMENT
---	---	HANDICAP ACCESS ROUTE
---	---	CONCRETE SIDEWALKS
---	---	WALL (SEE PLAN)
---	---	ROCK WALL
---	---	SIGN
---	---	WHEELSTOP
---	---	BOLLARD
---	---	HANDICAP SPACE
---	---	CONTOUR
---	---	INLET PROTECTION
---	---	STABILIZED CONSTRUCTION ENTRANCE
---	---	CONCRETE WASHOUT PIT
---	---	DIRECTION OF FLOW
---	---	SILT FENCE & LIMITS OF CONSTRUCTION
---	---	GEOLOGICAL FEATURE
---	---	ROCK BERM

NOTE:

TOTAL DISTURBED AREA (± 0.50 ACRES) IS OUTSIDE OF THE 100-YEAR FLOODPLAIN. DISTURBED AREA THAT WILL REMAIN PERVIOUS WILL BE STABILIZED WITH VEGETATION BY MEANS OF BROADCAST OR HYDRAULIC SEEDING, UNLESS OTHERWISE NOTED WITHIN THE PROJECT CONSTRUCTION DOCUMENTS, NO LATER THAN 14 DAYS AFTER THE LAST DISTURBANCE OR WHEN CONSTRUCTION ACTIVITY PERMANENTLY CEASES. A MINIMUM OF FOUR (4) INCHES OF TOPSOIL WILL BE PLACED WITHIN THESE DISTURBED PERVIOUS PORTIONS, AND BETWEEN THE CURB AND RIGHT-OF-WAY LINE.

LEGAL DESCRIPTION:

A 42.36 ACRE TRACT OF LAND BEING A PORTION OF THE 43.71 ACRES DEEDED TO NB RETAIL, LTD., RECORDED IN DOCUMENT NO. 200706048295 OF THE OFFICIAL RECORDS, COMAL COUNTY, TEXAS

THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

WESTPOINTE VILLAGE (HEB CURBSIDE)
HEB NB 2
WESTPOINTE VILLAGE
SH 46 AND LOOP 337
NEW BRAUNFELS, TEXAS 78130

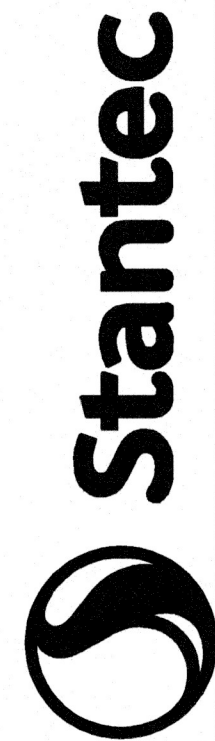
Permit-Seal

Project Number:

Drawing No.

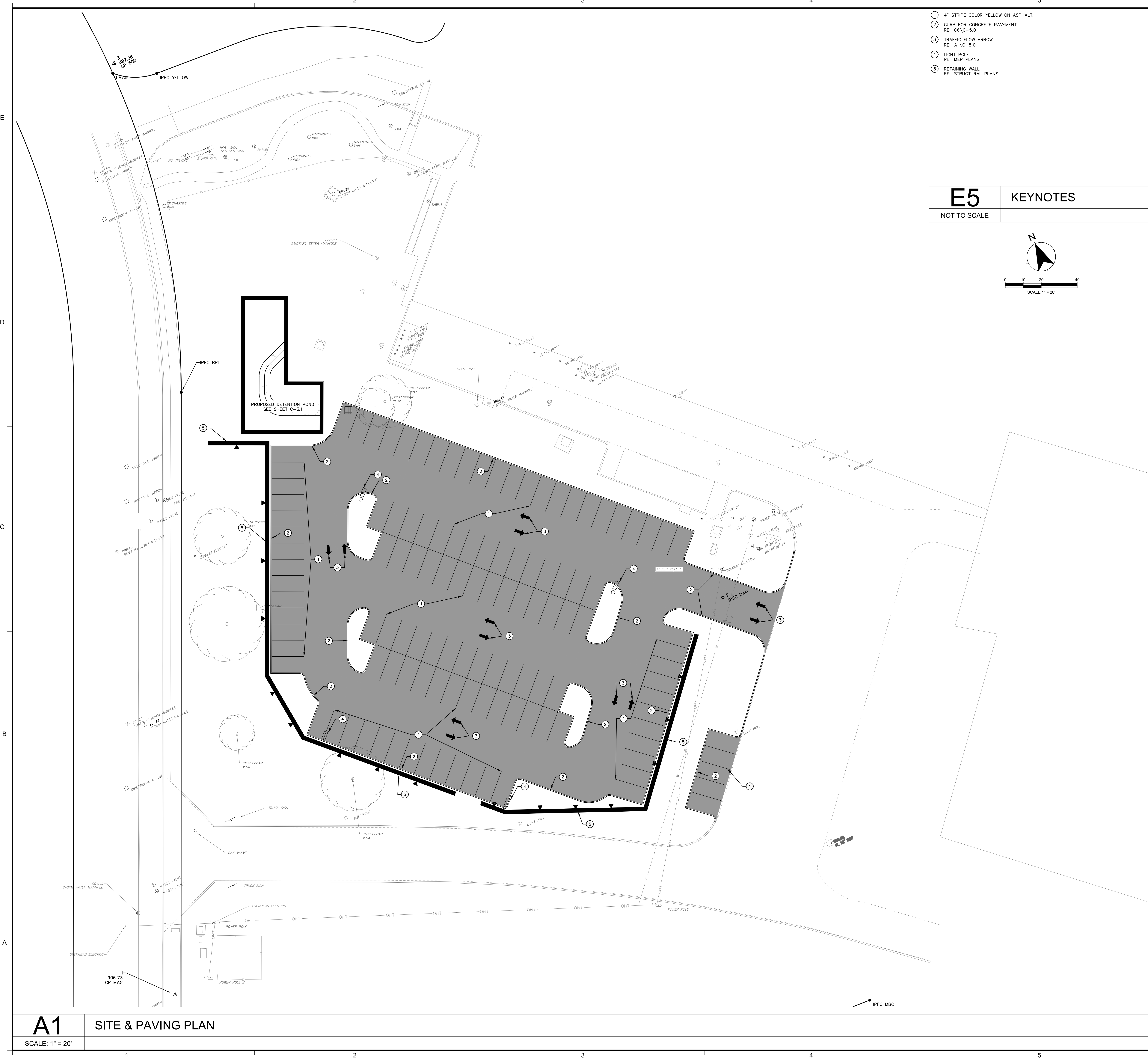
Revision Sheet

EXH of

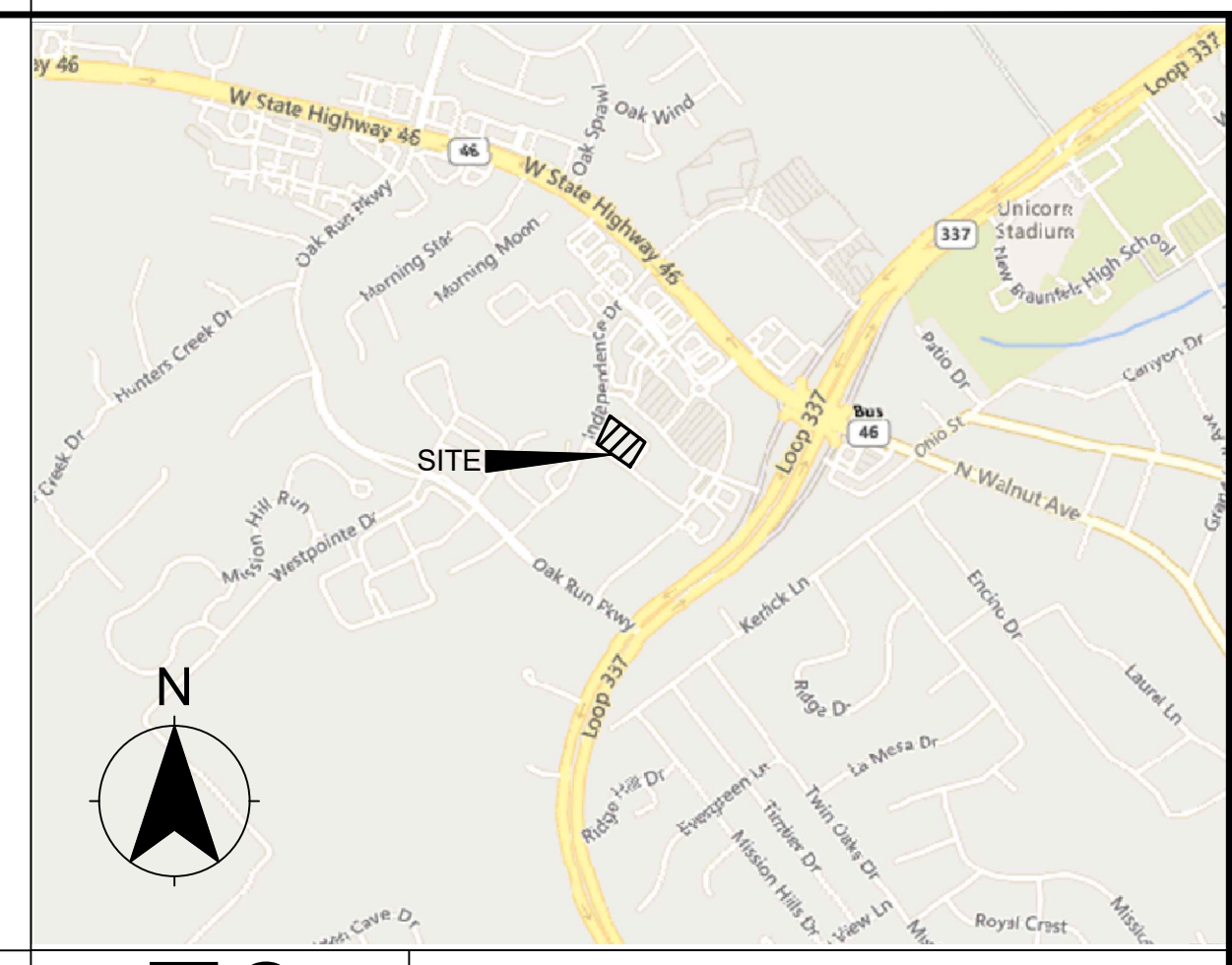


70 NE Loop 410, Suite 1100
San Antonio, TX 78216-5893
TBP# F-2024-TBP#S # 1019428
www.stantec.com

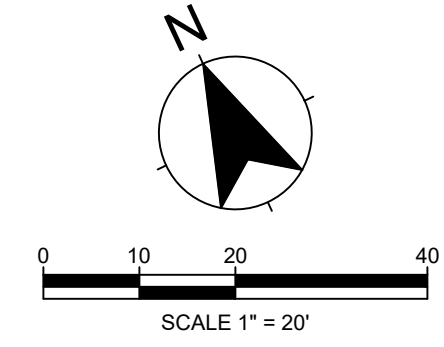
TCEQ SITE PLAN



- ① 4" STRIPE COLOR YELLOW ON ASPHALT.
- ② CURB FOR CONCRETE PAVEMENT
RE: C&G-C-5.0
- ③ TRAFFIC FLOW ARROW
RE: A1/C-5.0
- ④ LIGHT POLE
RE: MEP PLANS
- ⑤ RETAINING WALL
RE: STRUCTURAL PLANS



E5 NOT TO SCALE



E6 NOT TO SCALE

EXISTING	PROPOSED

INCLUDE LEGEND AS SHOWN ON SITE SPECIFIC SURVEY DONE BY REGISTERED SURVEYOR.

B6 NOT TO SCALE

LEGEND

FLOODPLAIN INFORMATION:

ACCORDING TO THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 4809100435F FOR COMAL COUNTY TEXAS, DATED SEPTEMBER 2, 2009 THE SITE IS WITHIN ZONE X OF THE FLOODPLAIN.

SURVEYOR:

SURVEY WAS PERFORMED BY D.A. MAYER LAND SURVEYING, CONTACT D.A. MAYER LAND SURVEYING AT 830.730.4449 FOR ANY SURVEY QUESTIONS, COORDINATION OR NEEDS.

LEGAL DESCRIPTION:

A 25.752 ACRE TRACT OF LAND KNOWN AS LOT 1A OF THE WESTPONTE SUBDIVISION UNIT, A SUBDIVISION OF RECORD LOCATED IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS AS RECORDED IN DOCUMENT NUMBER 201102043085 OF THE OFFICIAL RECORDS OF COMAL COUNTY, TEXAS.

BENCHMARKS:

CP #1 N: 13807885.1940' E: 2234352.3100' ELEV= 906.73' CP MAG	CP #3 N: 13808368.6000' E: 2234540.9880' ELEV= 897.26'
---	---

NOTE:

CONTRACTOR TO COORDINATE WITH SURVEYOR TO ESTABLISH BENCHMARK'S NECESSARY FOR CONSTRUCTION.

PLEASE BE ADVISED: THIS DOCUMENT MAY CONTAIN SENSITIVE AND/OR PROPRIETARY INFORMATION AND THEREFORE MUST BE TREATED AS A CONFIDENTIAL DOCUMENT. ACCEPTANCE OF THIS DOCUMENT CONSTITUTES AN AGREEMENT THAT THIS DOCUMENT AND THE INFORMATION CONTAINED HEREIN SHALL BE MAINTAINED AND TRANSMITTED IN A CONFIDENTIAL MANNER. NO PART OF THIS DOCUMENT SHALL BE REPRODUCED, RELEASED OR DISTRIBUTED WITHOUT THE EXPRESS WRITTEN PERMISSION OF H.E.B. GROCERY. ANY DISTRIBUTION TO NON-H.E.B. ENTITIES OR PERSONS MUST BE SUBJECT TO A WRITTEN CONFIDENTIALITY AGREEMENT.

A6 NOT TO SCALE

A1 SCALE: 1" = 20'

SITE & PAVING PLAN

00.00.0000

PRELIMINARY
NOT FOR CONSTRUCTION
KFM
ENGINEERING & DESIGN
ENGINEER: Chad Respondek
P.E. No.: 128702 DATE: 12/19/24

12950 COUNTRY PWAY, SUITE 150
SAN ANTONIO, TX 78256
WWW.KFMALLCOM
TEL: 210.481.1111
TIF: 210.481.1111

H-E-B
ENGINEERING & DESIGN

SITE & PAVING PLAN

H-E-B WESTPONTE VILLAGE - PARTNER PARKING
1655 TEXAS 46
NEW BRAUNFELS, TEXAS 77132

SCALE: AS INDICATED
CONSULT: 2/20/14
PROJ. NO.: 3142025
DATE: 3/14/2025
SHEET NO.: C-2.0

WATER POLLUTION ABATEMENT PLAN APPLICATION

TCEQ-0584

Water Pollution Abatement Plan Application

Texas Commission on Environmental Quality

for Regulated Activities on the Edwards Aquifer Recharge Zone and Relating to 30 TAC §213.5(b), Effective June 1, 1999

To ensure that the application is administratively complete, confirm that all fields in the form are complete, verify that all requested information is provided, consistently reference the same site and contact person in all forms in the application, and ensure forms are signed by the appropriate party.

Note: Including all the information requested in the form and attachments contributes to more streamlined technical reviews.

Signature

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. This **Water Pollution Abatement Plan Application Form** is hereby submitted for TCEQ review and Executive Director approval. The form was prepared by:

Print Name of Customer/Agent: Chad Respondek, PE

Date: 4/1/2025

Signature of Customer/Agent:



Regulated Entity Name: WestPointe Village (HEB Partner Parking)

Regulated Entity Information

1. The type of project is:

- ☐ Residential: Number of Lots: _____
- ☐ Residential: Number of Living Unit Equivalents: _____
- ☒ Commercial
- ☐ Industrial
- ☐ Other: _____

2. Total site acreage (size of property): 37.0

3. Estimated projected population: 0

4. The amount and type of impervious cover expected after construction are shown below:

Table 1 - Impervious Cover Table

Impervious Cover of Proposed Project	Sq. Ft.	Sq. Ft./Acre	Acres
Structures/Rooftops		÷ 43,560 =	
Parking	38,316	÷ 43,560 =	0.88
Other paved surfaces		÷ 43,560 =	
Total Impervious Cover	38,316	÷ 43,560 =	0.88

Total Impervious Cover 25.11 ÷ Total Acreage 37.0 X 100 = 67.86% Impervious Cover

5. ☒ **Attachment A - Factors Affecting Surface Water Quality.** A detailed description of all factors that could affect surface water and groundwater quality that addresses ultimate land use is attached.
6. ☒ Only inert materials as defined by 30 TAC §330.2 will be used as fill material.

For Road Projects Only

Complete questions 7 - 12 if this application is exclusively for a road project.

7. Type of project:

- ☐ TXDOT road project.
- ☐ County road or roads built to county specifications.
- ☐ City thoroughfare or roads to be dedicated to a municipality.
- ☐ Street or road providing access to private driveways.

8. Type of pavement or road surface to be used:

- ☐ Concrete
- ☐ Asphaltic concrete pavement
- ☐ Other: _____

9. Length of Right of Way (R.O.W.): _____ feet.

Width of R.O.W.: _____ feet.

L x W = _____ Ft² ÷ 43,560 Ft²/Acre = _____ acres.

10. Length of pavement area: _____ feet.

Width of pavement area: _____ feet.

L x W = _____ Ft² ÷ 43,560 Ft²/Acre = _____ acres.

Pavement area _____ acres ÷ R.O.W. area _____ acres x 100 = _____% impervious cover.

11. ☐ A rest stop will be included in this project.

☐ A rest stop will not be included in this project.

12. ☐ Maintenance and repair of existing roadways that do not require approval from the TCEQ Executive Director. Modifications to existing roadways such as widening roads/adding shoulders totaling more than one-half (1/2) the width of one (1) existing lane require prior approval from the TCEQ.

Stormwater to be generated by the Proposed Project

13. ☒ **Attachment B - Volume and Character of Stormwater.** A detailed description of the volume (quantity) and character (quality) of the stormwater runoff which is expected to occur from the proposed project is attached. The estimates of stormwater runoff quality and quantity are based on the area and type of impervious cover. Include the runoff coefficient of the site for both pre-construction and post-construction conditions.

Wastewater to be generated by the Proposed Project

14. The character and volume of wastewater is shown below:

<u>0</u> % Domestic	<u>0</u> Gallons/day
<u>0</u> % Industrial	<u>0</u> Gallons/day
<u>0</u> % Commingled	<u>0</u> Gallons/day
TOTAL gallons/day <u>0</u>	

15. Wastewater will be disposed of by:

☐ On-Site Sewage Facility (OSSF/Septic Tank):

☐ **Attachment C - Suitability Letter from Authorized Agent.** An on-site sewage facility will be used to treat and dispose of the wastewater from this site. The appropriate licensing authority's (authorized agent) written approval is attached. It states that the land is suitable for the use of private sewage facilities and will meet or exceed the requirements for on-site sewage facilities as specified under 30 TAC Chapter 285 relating to On-site Sewage Facilities.

☐ Each lot in this project/development is at least one (1) acre (43,560 square feet) in size. The system will be designed by a licensed professional engineer or registered sanitarian and installed by a licensed installer in compliance with 30 TAC Chapter 285.

☐ Sewage Collection System (Sewer Lines):

☐ Private service laterals from the wastewater generating facilities will be connected to an existing SCS.

☐ Private service laterals from the wastewater generating facilities will be connected to a proposed SCS.

☐ The SCS was previously submitted on ____.

☐ The SCS was submitted with this application.

☐ The SCS will be submitted at a later date. The owner is aware that the SCS may not be installed prior to Executive Director approval.

☐ The sewage collection system will convey the wastewater to the _____ (name) Treatment Plant. The treatment facility is:

☐ Existing.

☐ Proposed.

16. ☐ All private service laterals will be inspected as required in 30 TAC §213.5.

Site Plan Requirements

Items 17 – 28 must be included on the Site Plan.

17. ☒ The Site Plan must have a minimum scale of 1" = 400'.

Site Plan Scale: 1" = 100'.

18. 100-year floodplain boundaries:

☐ Some part(s) of the project site is located within the 100-year floodplain. The floodplain is shown and labeled.

☒ No part of the project site is located within the 100-year floodplain.

The 100-year floodplain boundaries are based on the following specific (including date of material) sources(s): FEMA Firm Panel 48091C0435G dated 5/8/2024

19. ☒ The layout of the development is shown with existing and finished contours at appropriate, but not greater than ten-foot contour intervals. Lots, recreation centers, buildings, roads, open space, etc. are shown on the plan.

☐ The layout of the development is shown with existing contours at appropriate, but not greater than ten-foot intervals. Finished topographic contours will not differ from the existing topographic configuration and are not shown. Lots, recreation centers, buildings, roads, open space, etc. are shown on the site plan.

20. All known wells (oil, water, unplugged, capped and/or abandoned, test holes, etc.):

☐ There are _____ (#) wells present on the project site and the locations are shown and labeled. (Check all of the following that apply)

☐ The wells are not in use and have been properly abandoned.

☐ The wells are not in use and will be properly abandoned.

☐ The wells are in use and comply with 16 TAC §76.

☒ There are no wells or test holes of any kind known to exist on the project site.

21. Geologic or manmade features which are on the site:

☐ All sensitive geologic or manmade features identified in the Geologic Assessment are shown and labeled.

☒ No sensitive geologic or manmade features were identified in the Geologic Assessment.

☐ **Attachment D - Exception to the Required Geologic Assessment.** A request and justification for an exception to a portion of the Geologic Assessment is attached.

- 22. ☒ The drainage patterns and approximate slopes anticipated after major grading activities.
- 23. ☒ Areas of soil disturbance and areas which will not be disturbed.
- 24. ☒ Locations of major structural and nonstructural controls. These are the temporary and permanent best management practices.
- 25. ☒ Locations where soil stabilization practices are expected to occur.
- 26. ☐ Surface waters (including wetlands).
☒ N/A
- 27. ☐ Locations where stormwater discharges to surface water or sensitive features are to occur.
☒ There will be no discharges to surface water or sensitive features.
- 28. ☒ Legal boundaries of the site are shown.

Administrative Information

- 29. ☒ Submit one (1) original and one (1) copy of the application, plus additional copies as needed for each affected incorporated city, groundwater conservation district, and county in which the project will be located. The TCEQ will distribute the additional copies to these jurisdictions. The copies must be submitted to the appropriate regional office.
- 30. ☒ Any modification of this WPAP will require Executive Director approval, prior to construction, and may require submission of a revised application, with appropriate fees.

ATTACHMENT A – FACTORS AFFECTING STORMWATER QUALITY

TCEQ-0584

ATTACHMENT A

FACTORS AFFECTING SURFACE WATER QUALITY

The materials listed below are anticipated to be present on-site during construction and as such may present a potential pollutant source: (This is not an all-inclusive list).

1. Concrete/Masonry
2. Metal studs, Metal reinforcing bars, etc.
3. Tar
4. Fertilizers
5. Petroleum based products
6. Cleaning solvents/Detergents
7. Wood
8. Asphalt

Material management practices will be utilized to reduce the risk of spills, or other accidental exposure of the materials listed above to storm water runoff, including the following:

1. An effort shall be made to store only enough product required to complete the work as so defined in the approved construction documents.
2. All materials stored on-site shall be stored in a neat, orderly manner in their appropriate containers and, if possible, under a roof or other enclosure.
3. Products should be kept in their original containers with the original manufacturer's label.
4. Manufacturers' recommendations for proper use and disposal shall be followed.
5. Substances shall not be mixed with one another unless recommended by the manufacturer.
6. Whenever possible, all of a product shall be used for disposing of its respective container.
7. The site superintendent should inspect daily to ensure proper use and disposal of on-site materials.

Post-Construction

The materials listed below are anticipated to be present on-site after construction and as such may present a potential pollutant source: (This is not an all-inclusive list).

1. Vehicle Fluid and Petroleum based products (Motor Oil, Brake Fluid, Etc.)
2. Trash and Debris (Litter)
3. Discarded Food and Tobacco Products

These and other sources of pollutants which may affect storm water quality will be screened and filtered by the existing water quality ponds that will treat the storm water prior to releasing into the existing TxDOT drainage infrastructure. All ponds will undergo periodic maintenance and cleaning to keep the integrity and effectiveness of treatment efficiency.

ATTACHMENT B – VOLUME AND CHARACTER OF STORMWATER

TCEQ-0584

ATTACHMENT B

VOLUME OF CHARACTER OF STORMWATER

The proposed impacted area will convey storm water runoff through surface flow into a underground, privately maintained storm system that then connects to a detention pond that will discharge into an existing privately maintained storm drainage system within the Westpointe Village Development. The runoff discharges into the existing “wet” pond water quality basin. The existing storm drainage system for this subdivision discharges runoff from the development to match the existing drainage divides for this area of the City of New Braunfels. Treated runoff is discharged into the Comal River via Panther Canyon/Comal Creek, and ultimately into the Guadalupe River.

Stormwater runoff will increase as a result of the expansion of the partner parking. Due to there being a proposed detention pond that will be constructed to detain the runoff from this additional parking, the NRCS Unit Hydrograph method was used to calculate the 25-year discharge for existing and proposed conditions. Per the New Braunfels Drainage manual, the existing curve number is 83, while the developed curve number increases to 92. The additional impervious cover causes for a 2.27 cfs increase in runoff from existing to proposed conditions. The proposed detention pond will detain the runoff to be less than in existing conditions before it enters the existing private storm drain system.

TEMPORARY STORMWATER SECTION

TCEQ-0602

Temporary Stormwater Section

Texas Commission on Environmental Quality

for Regulated Activities on the Edwards Aquifer Recharge Zone and Relating to 30 TAC §213.5(b)(4)(A), (B), (D)(I) and (G); Effective June 1, 1999

To ensure that the application is administratively complete, confirm that all fields in the form are complete, verify that all requested information is provided, consistently reference the same site and contact person in all forms in the application, and ensure forms are signed by the appropriate party.

Note: Including all the information requested in the form and attachments contributes to more streamlined technical reviews.

Signature

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. This **Temporary Stormwater Section** is hereby submitted for TCEQ review and executive director approval. The application was prepared by:

Print Name of Customer/Agent: Chad Respondek, PE

Date: 4/1/2025

Signature of Customer/Agent:



Regulated Entity Name: WestPointe Village (HEB Partner Parking)

Project Information

Potential Sources of Contamination

Examples: Fuel storage and use, chemical storage and use, use of asphaltic products, construction vehicles tracking onto public roads, and existing solid waste.

1. Fuels for construction equipment and hazardous substances which will be used during construction:

☐ The following fuels and/or hazardous substances will be stored on the site: _____

These fuels and/or hazardous substances will be stored in:

- ☐ Aboveground storage tanks with a cumulative storage capacity of less than 250 gallons will be stored on the site for less than one (1) year.

- ☐ Aboveground storage tanks with a cumulative storage capacity between 250 gallons and 499 gallons will be stored on the site for less than one (1) year.
- ☐ Aboveground storage tanks with a cumulative storage capacity of 500 gallons or more will be stored on the site. An Aboveground Storage Tank Facility Plan application must be submitted to the appropriate regional office of the TCEQ prior to moving the tanks onto the project.
- ☒ Fuels and hazardous substances will not be stored on the site.
- 2. ☒ **Attachment A - Spill Response Actions.** A site specific description of the measures to be taken to contain any spill of hydrocarbons or hazardous substances is attached.
- 3. ☐ Temporary aboveground storage tank systems of 250 gallons or more cumulative storage capacity must be located a minimum horizontal distance of 150 feet from any domestic, industrial, irrigation, or public water supply well, or other sensitive feature.
- 4. ☒ **Attachment B - Potential Sources of Contamination.** A description of any activities or processes which may be a potential source of contamination affecting surface water quality is attached.

Sequence of Construction

- 5. ☒ **Attachment C - Sequence of Major Activities.** A description of the sequence of major activities which will disturb soils for major portions of the site (grubbing, excavation, grading, utilities, and infrastructure installation) is attached.
 - ☒ For each activity described, an estimate (in acres) of the total area of the site to be disturbed by each activity is given.
 - ☒ For each activity described, include a description of appropriate temporary control measures and the general timing (or sequence) during the construction process that the measures will be implemented.
- 6. ☒ Name the receiving water(s) at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project: Comal Creek

Temporary Best Management Practices (TBMPs)

Erosion control examples: tree protection, interceptor swales, level spreaders, outlet stabilization, blankets or matting, mulch, and sod. Sediment control examples: stabilized construction exit, silt fence, filter dikes, rock berms, buffer strips, sediment traps, and sediment basins. Please refer to the Technical Guidance Manual for guidelines and specifications. All structural BMPs must be shown on the site plan.

- 7. ☒ **Attachment D – Temporary Best Management Practices and Measures.** TBMPs and measures will prevent pollution of surface water, groundwater, and stormwater. The construction-phase BMPs for erosion and sediment controls have been designed to retain sediment on site to the extent practicable. The following information is attached:

- ☒ A description of how BMPs and measures will prevent pollution of surface water, groundwater or stormwater that originates upgradient from the site and flows across the site.
 - ☒ A description of how BMPs and measures will prevent pollution of surface water or groundwater that originates on-site or flows off site, including pollution caused by contaminated stormwater runoff from the site.
 - ☒ A description of how BMPs and measures will prevent pollutants from entering surface streams, sensitive features, or the aquifer.
 - ☒ A description of how, to the maximum extent practicable, BMPs and measures will maintain flow to naturally-occurring sensitive features identified in either the geologic assessment, TCEQ inspections, or during excavation, blasting, or construction.
8. ☒ The temporary sealing of a naturally-occurring sensitive feature which accepts recharge to the Edwards Aquifer as a temporary pollution abatement measure during active construction should be avoided.
- ☐ **Attachment E - Request to Temporarily Seal a Feature.** A request to temporarily seal a feature is attached. The request includes justification as to why no reasonable and practicable alternative exists for each feature.
- ☒ There will be no temporary sealing of naturally-occurring sensitive features on the site.
9. ☒ **Attachment F - Structural Practices.** A description of the structural practices that will be used to divert flows away from exposed soils, to store flows, or to otherwise limit runoff discharge of pollutants from exposed areas of the site is attached. Placement of structural practices in floodplains has been avoided.
10. ☒ **Attachment G - Drainage Area Map.** A drainage area map supporting the following requirements is attached:
- ☐ For areas that will have more than 10 acres within a common drainage area disturbed at one time, a sediment basin will be provided.
 - ☐ For areas that will have more than 10 acres within a common drainage area disturbed at one time, a smaller sediment basin and/or sediment trap(s) will be used.
 - ☐ For areas that will have more than 10 acres within a common drainage area disturbed at one time, a sediment basin or other equivalent controls are not attainable, but other TBMPs and measures will be used in combination to protect down slope and side slope boundaries of the construction area.
 - ☐ There are no areas greater than 10 acres within a common drainage area that will be disturbed at one time. A smaller sediment basin and/or sediment trap(s) will be used in combination with other erosion and sediment controls within each disturbed drainage area.

- ☒ There are no areas greater than 10 acres within a common drainage area that will be disturbed at one time. Erosion and sediment controls other than sediment basins or sediment traps within each disturbed drainage area will be used.
11. ☐ **Attachment H - Temporary Sediment Pond(s) Plans and Calculations.** Temporary sediment pond or basin construction plans and design calculations for a proposed temporary BMP or measure have been prepared by or under the direct supervision of a Texas Licensed Professional Engineer. All construction plans and design information must be signed, sealed, and dated by the Texas Licensed Professional Engineer. Construction plans for the proposed temporary BMPs and measures are attached.
- ☒ N/A
12. ☒ **Attachment I - Inspection and Maintenance for BMPs.** A plan for the inspection of each temporary BMP(s) and measure(s) and for their timely maintenance, repairs, and, if necessary, retrofit is attached. A description of the documentation procedures, recordkeeping practices, and inspection frequency are included in the plan and are specific to the site and/or BMP.
13. ☒ All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections by the applicant or the executive director, or other information indicate a control has been used inappropriately, or incorrectly, the applicant must replace or modify the control for site situations.
14. ☒ If sediment escapes the construction site, off-site accumulations of 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).
15. ☒ Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been reduced by 50%. A permanent stake will be provided that can indicate when the sediment occupies 50% of the basin volume.
16. ☒ Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls, picked up daily).

Soil Stabilization Practices

Examples: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, or preservation of mature vegetation.

17. ☒ **Attachment J - Schedule of Interim and Permanent Soil Stabilization Practices.** A schedule of the interim and permanent soil stabilization practices for the site is attached.

- 18. ☒ Records must be kept at the site of 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.
- 19. ☒ Stabilization practices must be initiated as soon as practicable where construction activities have temporarily or permanently ceased.

Administrative Information

- 20. ☒ All structural controls will be inspected and maintained according to the submitted and approved operation and maintenance plan for the project.
- 21. ☒ If any geologic or manmade features, such as caves, faults, sinkholes, etc., are discovered, all regulated activities near the feature will be immediately suspended. The appropriate TCEQ Regional Office shall be immediately notified. Regulated activities must cease and not continue until the TCEQ has reviewed and approved the methods proposed to protect the aquifer from any adverse impacts.
- 22. ☒ Silt fences, diversion berms, and other temporary erosion and sediment controls will be constructed and maintained as appropriate to prevent pollutants from entering sensitive features discovered during construction.

ATTACHMENT A – SPILL RESPONSE ACTIONS

TCEQ-0602

ATTACHMENT A

SPILL RESPONSE ACTIONS

In the event of an accidental leak or spill:

- Spill must be contained and cleaned up immediately.
- Spills will not be merely buried or washed with water.
- Contractor shall take action to contain spill. Contractor may use sand or other absorbent material stockpiled on site to absorb spill. Absorbent material should be spread over the spill area to absorb the spilled product.
- In the event of an uncontained discharge the contractor shall utilize onsite equipment to construct berms downgradient of the spill with sand or other absorbent material to contain and absorb the spilled product.
- Spill containment/absorbent materials along with impacted media must be collected and stored in such a way so as not to continue to affect additional media (soil/water). Once the spill has been contained, collected material should be placed on poly or plastic sheeting until removed from the site. The impacted media and cleanup materials should be covered with plastic sheeting and the edges weighed down with paving bricks or other similarly dense objects as the material is being accumulated. This will prevent the impacted media and cleanup materials from becoming airborne in windy conditions or impacting runoff during a rain event. The stockpiled materials should not be located within an area of concentrated runoff such as along a curb line or within a swale.
- Contaminated soils and cleanup materials will be sampled for waste characterization. When the analysis results are known the contaminated soils and cleanup materials will be removed from the site and disposed in a permitted landfill in accordance with applicable regulations.
- The contractor will be required to notify the owner, who will in turn contact TCEQ to notify them in the event of a significant hazardous/reportable quantity spill. Additional notifications as required by the type and amount of spill will be conducted by owner or owner's representative.

In the event of an accidental significant or hazardous spill:

- The contractor will be required to report significant or hazardous spills in reportable quantities to:
 - Notify the TCEQ by telephone as soon as possible and within 24 hours at 512-339-2929 (Austin) or 210-490-3096 (San Antonio) between 8 AM and 5 PM. After hours, contact the Environmental Release Hotline at 1-800-832-8224. It is the contractor's responsibility to have all emergency phone numbers at the construction site.
 - For spills of federal reportable quantities, in conformance with the requirements in 40 CFR parts 110,119, and 302, the contractor should notify the National Response Center at (800) 424-8802.

- Notification should first be made by telephone and followed up with a written report. The services of a spills contractor or a Haz-Mat team should be obtained immediately. Construction personnel should not attempt to clean up until the appropriate and qualified staffs have arrived at the job site.
- Other agencies which may need to be consulted include, but are not limited to, the City Police Department, County Sheriff Office, Fire Departments, etc.
- Contaminated soils will be sampled for waste characterization. When the analysis results are known the contaminated soils will be removed from the site and disposed in a permitted landfill in accordance with applicable regulations.

Additional guidance can be obtained from TCEQ's Technical Guidance Manual (TGM) RG-348 (2005) Section 1.4.16. Contractor shall review this section.

ATTACHMENT B – POTENTIAL SOURCES OF CONTAMINATION

TCEQ-0602

ATTACHMENT B

POTENTIAL SOURCES OF CONTAMINATION

Other potential sources of contamination during construction include:

POTENTIAL SOURCE:

- Asphalt products used on this project.

PREVENTATIVE MEASURE:

- After placement of asphalt, emulsion or coatings, the contractor will be responsible for immediate cleanup should an unexpected rain occur. For the duration of the asphalt product curing time, the contractor will maintain standby personnel and equipment to contain any asphalt wash-off should an unexpected rain occur. The contractor will be instructed not to place asphalt products on the ground within 48 hours of a forecasted rain.

POTENTIAL SOURCE:

- Oil, grease, fuel and hydraulic fluid contamination from construction equipment and vehicle dripping.

PREVENTATIVE MEASURE:

- Vehicle maintenance when possible will be performed within the construction staging area.

POTENTIAL SOURCE:

- Accidental leaks or spills of oil, petroleum products and substances listed under 40 CFR parts 110, 117, and 302 used or stored temporarily on site.

PREVENTATIVE MEASURE:

- Contractor to incorporate into regular safety meetings, a discussion of spill prevention and appropriate disposal procedures.
- Contractor's superintendent or representative overseer shall enforce proper spill prevention and control measures.
- Hazardous materials and wastes shall be stored in covered containers and protected from vandalism.
- A stockpile of spill cleanup materials shall be stored on site where it will be readily accessible.

POTENTIAL SOURCE:

- Miscellaneous trash and litter from construction workers and material wrappings.

PREVENTATIVE MEASURE:

- Trash containers will be placed throughout the site to encourage proper trash disposal.

POTENTIAL SOURCE:

- Construction debris.

PREVENTATIVE MEASURE:

- Construction debris will be monitored daily by contractor. Debris will be collected weekly and placed in disposal bins. Situations requiring immediate attention will be addressed on a case-by-case basis.

POTENTIAL SOURCE:

- Spills/Overflow of waste from portable toilets.

PREVENTATIVE MEASURE:

- Portable toilets will be placed away from high traffic vehicular areas and storm drain inlets.
- Portable toilets will be placed on a level ground surface.
- Portable toilets will be inspected regularly for leaks and will be serviced and sanitized at time intervals that will maintain sanitary conditions.

ATTACHMENT C – SEQUENCE OF MAJOR ACTIVITES

TCEQ-0602

ATTACHMENT C

SEQUENCE OF MAJOR ACTIVITIES

The Sequence of major activities which disturb soil during construction on this site will be divided into two stages. The first is site preparation that will include installation of TBMPs, the proposed detention pond, clearing and grubbing of vegetation where applicable. This will disturb approximately 1.27 acres. The second is construction that will include the surface parking addition, landscaping and site cleanup. This will disturb approximately 1.27 acres.

ATTACHMENT D – TEMPORARY BEST MANAGEMENT PRACTICES AND MEASURES

TCEQ-0602

ATTACHMENT D

TEMPORARY BEST MANAGEMENT PRACTICES AND MEASURES

- a. A description of how BMPs and measures will prevent pollution of surface water, groundwater or stormwater that originates upgradient from the site and flows across the site.

There is a minimal upgradient water runoff from the northwest of the property. Any upgradient runoff will be treated with proposed on-site BMPs.

- b. A description of how BMPs and measures will prevent pollution of surface water or groundwater that originates on-site or flows off site, including pollution caused by contaminated stormwater runoff from the site.

Site preparation, which is the initiation of all activity on the project, will disturb the largest amount of soil. Therefore, before any of this work can begin, the clearing and grading contractor will be responsible for the installation of all on-site control measures. The methodology for pollution prevention of on-site stormwater will include: (1) erection of silt fences, or sediment control rolls, along the downgradient boundary of construction activities for temporary erosion and sedimentation controls, (2) installation of rock berms with silt fencing downgradient from areas of concentrated stormwater flow for temporary erosion control, (3) installation of gravel bags and inlet protection and downgradient inlets, (4) installation of stabilized construction entrance/exit(s) to reduce the dispersion of sediment from the site, and (5) installation of construction staging area(s).

Prior to the initiation of construction, all previously installed control measures will be repaired or reestablished for their designed or intended purpose. This work, which is the remainder of all activity on the project, may also disturb additional soil. The construction contractor will be responsible for the installation of all remaining on-site control measures that includes installation of the concrete truck washout pit(s), as construction phasing warrants.

Temporary measures are intended to provide a method of slowing the flow of runoff from the construction site in order to allow sediment and suspended solids to settle out of the runoff. By containing the sediment and solids within the site, they will not enter surface streams and/or sensitive features.

- c. A description of how BMPs and measures will prevent pollutants from entering surface streams, sensitive features, or the aquifer.

There were no naturally-occurring sensitive features observed on the site and no surface streams on, or adjacent, to the project limits. All Temporary BMPs utilized are adequate for the drainage areas served.

Temporary measures are intended to provide a method of slowing the flow of runoff from the construction site in order to allow sediment and suspended soils to settle out of the runoff. By containing the sediment and solids within the site, they will not enter surface streams and/or sensitive features.

- d. A description of how, to the maximum extent practicable, BMPs and measures will maintain flow to naturally-occurring sensitive features identified in either the geologic assessment, TCEQ inspections, or during excavation, blasting, or construction.

There were no naturally-occurring sensitive features observed on the site and no surface streams on, or adjacent, to the project limits. All Temporary BMPs utilized are adequate for the drainage areas served.

Temporary measures are intended to provide a method of slowing the flow of runoff from the construction site in order to allow sediment and suspended solids to settle out of the runoff. By containing the sediment and solids within the site, they will not enter surface streams and/or sensitive features.

ATTACHMENT F – STRUCTURAL PRACTICES

TCEQ-0602

ATTACHMENT F

STRUCTURAL PRACTICES

The following structural measures will be installed prior to the initiation of site preparation activities:

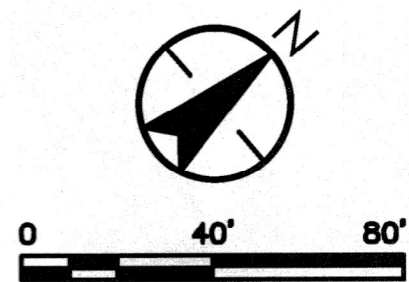
- Erection of silt fences, or sediment control rolls, along the downgradient boundary of construction activities and rock berms with silt fence for secondary protection.
- Installation of inlet protection and gravel filter bags, at downgradient inlets of construction activities.
- Installation of stabilized construction entrance/exit(s) and construction staging area(s).

The following structural measures will be installed at the initiation of construction activities or as appropriate based on the construction sequencing:

- Installation of concrete truck washout pit(s).













ATTACHMENT G – DRAINAGE AREA MAP

TCEQ-0602



NOTES:

1. ALL WATER QUALITY PONDS ARE OVERSIZED TO ACCOUNT FOR THE AREAS NOT WITHIN THE CAPTURE BASIN.
2. ALL ROOFTOP DRAINAGE WILL BE COLLECTED INTO THE RESPECTIVE BUILDING ROOFTOP DRAINAGE SYSTEM AND TIE INTO THE PROPOSED DRAINAGE LINES AND COLLECTED BY THE PROPOSED WATER QUALITY PONDS

LEGEND		
EXISTING	PROPOSED	DESCRIPTION
		PROPERTY (R.O.W.) LINE
		CONTOUR
		DRAINAGE AREA NUMBER
		DRAINAGE DIVIDE
		DIRECTION OF FLOW
		EARTHEN SWALE

ATTACHMENT I – INSPECTION AND MAINTENANCE FOR BMPs

TCEQ-0602

ATTACHMENT I

INSPECTION AND MAINTENANCE FOR BMPS

INSPECTIONS:

The following inspections should be performed by the contractor or qualified person(s):

1. Disturbed areas and areas for storage of materials exposed to precipitation will be inspected for evidence of (or the potential for) pollutants entering the drainage system.
2. Erosion and sediment control measures will be observed to confirm they are functioning properly.
3. Accessible discharge locations will be inspected to determine whether erosional control measures are effective in preventing significant impacts to receiving waters.
4. Locations where vehicles enter or exit the site will be inspected for evidence of offsite sediment tracking.
5. Permanent seeding and planting will be inspected for bare spots, washouts, and unhealthy growth.

The inspections shall be conducted by the responsible person at least once a week and after each major storm event. The frequency of inspections shall be conducted at least once every month if the following conditions apply:

1. The site has been either finally or temporarily stabilized.
2. Runoff is unlikely due to winter conditions (i.e. site is covered with snow, ice, or where frozen ground exists).
3. During seasonal arid periods in arid areas (areas with an average annual rainfall of 0 to 10 inches) and semi-arid areas (areas with an average annual rainfall of 10 to 20 inches).

The information required within an inspection and maintenance report are as follows:

1. Summary of the inspection scope.
2. Name(s) and qualifications of personnel doing the inspection.
3. The date(s) of the inspection.
4. Major observations relating to the implementation of the storm water pollution prevention plan.
5. Changes required to correct damages or deficiencies in the control measures.

In addition to the required routine inspections, the following record of information will also be maintained.

1. The dates when major grading activities occur.
2. The dates when construction activities temporarily or permanently cease on a portion of the site.
3. The dates when stabilization measures are identified.

Inspection and maintenance reports and corresponding records shall become part of the Storm Water Pollution Plan.

MAINTENANCE:

Based on inspection results, any changes necessary to correct damages and/or deficiencies in the control measures shall be made within seven calendar days after the inspection. If existing stabilization/erosion controls need to be modified or additional controls are necessary, they should be implemented before the next anticipated storm event. If, however, this requirement is unfeasible, the controls will be implemented as soon as possible with the incident noted and explained in the inspection report.

Sediment accumulation at each control will be removed and properly disposed when the accumulation depth equals or exceeds six inches. If sediment accumulation is found to be contaminated, its disposal shall be off-site in a manner which conforms to the appropriate applicable regulations.

ATTACHMENT J – SCHEDULE OF INTERIM AND PERMANENT SOIL STABILIZATION PRACTICES

TCEQ-0602

ATTACHMENT J

SCHEDULE OF INTERIM AND PERMANENT SOIL STABILIZATION PRACTICES

No interim on-site stabilization measures, which are continuous, will include minimizing soil disturbances by exposing the smallest practical area of land required for the shortest period of time and maximizing use of natural vegetation. As soon as practical, all disturbed soil will be stabilized as per project specifications in accordance with pages 1-35 to 1-60 of TCEQ's Technical Guidance Manual (TGM) RG-348 (2005). Mulching, netting, erosion blankets and seeding are acceptable.

Stabilization measures will be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and except as provided below, will be initiated no more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased. Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within twenty-one (21) days, temporary stabilization measures do not have to be initiated on that portion of site. In areas experiencing droughts where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by reasonably arid conditions, stabilization measures must be initiated as soon as practicable. Stabilization measures in this instance shall comply with temporary stabilization as defined in TXR150000 or as defined otherwise in the landscape plans where applicable.

PERMANENT STORMWATER SECTION

TCEQ-0600

Permanent Stormwater Section

Texas Commission on Environmental Quality

for Regulated Activities on the Edwards Aquifer Recharge Zone and Relating to 30 TAC §213.5(b)(4)(C), (D)(li), (E), and (5), Effective June 1, 1999

To ensure that the application is administratively complete, confirm that all fields in the form are complete, verify that all requested information is provided, consistently reference the same site and contact person in all forms in the application, and ensure forms are signed by the appropriate party.

Note: Including all the information requested in the form and attachments contributes to more streamlined technical reviews.

Signature

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. This **Permanent Stormwater Section** is hereby submitted for TCEQ review and executive director approval. The application was prepared by:

Print Name of Customer/Agent: Chad Respondek, PE

Date: 4/1/2025

Signature of Customer/Agent



Regulated Entity Name: WestPointe Village (HEB Partner Parking)

Permanent Best Management Practices (BMPs)

Permanent best management practices and measures that will be used during and after construction is completed.

1. ☒ Permanent BMPs and measures must be implemented to control the discharge of pollution from regulated activities after the completion of construction.
☐ N/A
2. ☐ These practices and measures have been designed, and will be constructed, operated, and maintained to insure that 80% of the incremental increase in the annual mass loading of total suspended solids (TSS) from the site caused by the regulated activity is removed. These quantities have been calculated in accordance with technical guidance prepared or accepted by the executive director.
☒ The TCEQ Technical Guidance Manual (TGM) was used to design permanent BMPs and measures for this site.

- ☐ A technical guidance other than the TCEQ TGM was used to design permanent BMPs and measures for this site. The complete citation for the technical guidance that was used is: _____
- ☐ N/A
3. ☒ Owners must insure that permanent BMPs and measures are constructed and function as designed. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the appropriate regional office within 30 days of site completion.
- ☐ N/A
4. Where a site is used for low density single-family residential development and has 20 % or less impervious cover, other permanent BMPs are not required. This exemption from permanent BMPs must be recorded in the county deed records, with a notice that if the percent impervious cover increases above 20% or land use changes, the exemption for the whole site as described in the property boundaries required by 30 TAC §213.4(g) (relating to Application Processing and Approval), may no longer apply and the property owner must notify the appropriate regional office of these changes.
- ☐ The site will be used for low density single-family residential development and has 20% or less impervious cover.
- ☐ The site will be used for low density single-family residential development but has more than 20% impervious cover.
- ☒ The site will not be used for low density single-family residential development.
5. The executive director may waive the requirement for other permanent BMPs for multi-family residential developments, schools, or small business sites where 20% or less impervious cover is used at the site. This exemption from permanent BMPs must be recorded in the county deed records, with a notice that if the percent impervious cover increases above 20% or land use changes, the exemption for the whole site as described in the property boundaries required by 30 TAC §213.4(g) (relating to Application Processing and Approval), may no longer apply and the property owner must notify the appropriate regional office of these changes.
- ☐ **Attachment A - 20% or Less Impervious Cover Waiver.** The site will be used for multi-family residential developments, schools, or small business sites and has 20% or less impervious cover. A request to waive the requirements for other permanent BMPs and measures is attached.
- ☐ The site will be used for multi-family residential developments, schools, or small business sites but has more than 20% impervious cover.
- ☒ The site will not be used for multi-family residential developments, schools, or small business sites.
6. ☒ **Attachment B - BMPs for Upgradient Stormwater.**

- ☒ A description of the BMPs and measures that will be used to prevent pollution of surface water, groundwater, or stormwater that originates upgradient from the site and flows across the site is attached.
 - ☐ No surface water, groundwater or stormwater originates upgradient from the site and flows across the site, and an explanation is attached.
 - ☐ Permanent BMPs or measures are not required to prevent pollution of surface water, groundwater, or stormwater that originates upgradient from the site and flows across the site, and an explanation is attached.
7. ☒ **Attachment C - BMPs for On-site Stormwater.**
- ☒ A description of the BMPs and measures that will be used to prevent pollution of surface water or groundwater that originates on-site or flows off the site, including pollution caused by contaminated stormwater runoff from the site is attached.
 - ☐ Permanent BMPs or measures are not required to prevent pollution of surface water or groundwater that originates on-site or flows off the site, including pollution caused by contaminated stormwater runoff, and an explanation is attached.
8. ☒ **Attachment D - BMPs for Surface Streams.** A description of the BMPs and measures that prevent pollutants from entering surface streams, sensitive features, or the aquifer is attached. Each feature identified in the Geologic Assessment as sensitive has been addressed.
- ☐ N/A
9. ☒ The applicant understands that to the extent practicable, BMPs and measures must maintain flow to naturally occurring sensitive features identified in either the geologic assessment, executive director review, or during excavation, blasting, or construction.
- ☒ The permanent sealing of or diversion of flow from a naturally-occurring sensitive feature that accepts recharge to the Edwards Aquifer as a permanent pollution abatement measure has not been proposed.
 - ☐ **Attachment E - Request to Seal Features.** A request to seal a naturally-occurring sensitive feature, that includes, for each feature, a justification as to why no reasonable and practicable alternative exists, is attached.
10. ☒ **Attachment F - Construction Plans.** All construction plans and design calculations for the proposed permanent BMP(s) and measures have been prepared by or under the direct supervision of a Texas Licensed Professional Engineer, and are signed, sealed, and dated. The plans are attached and, if applicable include:
- ☐ Design calculations (TSS removal calculations)
 - ☐ TCEQ construction notes
 - ☐ All geologic features
 - ☐ All proposed structural BMP(s) plans and specifications
- ☒ N/A

11. ☒ **Attachment G - Inspection, Maintenance, Repair and Retrofit Plan.** A plan for the inspection, maintenance, repairs, and, if necessary, retrofit of the permanent BMPs and measures is attached. The plan includes all of the following:
- ☒ Prepared and certified by the engineer designing the permanent BMPs and measures
 - ☒ Signed by the owner or responsible party
 - ☒ Procedures for documenting inspections, maintenance, repairs, and, if necessary retrofit
 - ☒ A discussion of record keeping procedures
- ☐ N/A
12. ☐ **Attachment H - Pilot-Scale Field Testing Plan.** Pilot studies for BMPs that are not recognized by the Executive Director require prior approval from the TCEQ. A plan for pilot-scale field testing is attached.
- ☒ N/A
13. ☐ **Attachment I - Measures for Minimizing Surface Stream Contamination.** A description of the measures that will be used to avoid or minimize surface stream contamination and changes in the way in which water enters a stream as a result of the construction and development is attached. The measures address increased stream flashing, the creation of stronger flows and in-stream velocities, and other in-stream effects caused by the regulated activity, which increase erosion that results in water quality degradation.
- ☒ N/A

Responsibility for Maintenance of Permanent BMP(s)

Responsibility for maintenance of best management practices and measures after construction is complete.

14. ☐ The applicant is responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred.
- ☐ N/A
15. ☒ A copy of the transfer of responsibility must be filed with the executive director at the appropriate regional office within 30 days of the transfer if the site is for use as a multiple single-family residential development, a multi-family residential development, or a non-residential development such as commercial, industrial, institutional, schools, and other sites where regulated activities occur.
- ☐ N/A

ATTACHMENT B – BMPs FOR UPGRADIENT STORMWATER

TCEQ-0600

ATTACHMENT B
BMPS FOR UPGRADIENT STORMWATER

Upgradient stormwater will flow northeast across the proposed additional parking and captured in a storm sewer system that is route to existing water quality and detention ponds.

ATTACHMENT C – BMPs FOR ON-SITE STORMWATER
ATTACHMENT D – BMPs FOR SURFACE STREAMS

TCEQ-0600

ATTACHMENT C

BMPS FOR ON-SITE STORMWATER

1. A description of the BMPs and measures that will be used to prevent pollution of surface water or groundwater that originates on-site or flows off the site, including pollution caused by contaminated stormwater runoff from the site is attached.

The BMP for this site is an existing wet basin. The wet basin will serve the respective drainage areas providing sufficient storage volumes to treat 80% of all TSS produced by the proposed development. All BMPs have been designed in accordance with the TCEQ Technical Guidance Manual. All TSS that is produced from the added impervious that was not routed to the proposed wet basin were accounted for by providing over-treatment.

ATTACHMENT D

BMPS FOR SURFACE STREAMS

2. A description of the BMPs and measures that prevent pollutants from either entering surface streams, sensitive features, or the aquifer is attached. Each feature identified in the Geologic Assessment as sensitive has been addressed.

There are no surface streams on-site. The geological assessment has not identifies any sensitive features.

ATTACHMENT F – CONSTRUCTION PLANS

TCEQ-0600



ENGINEER: BURY+PARTNERS, INC.
922 ISOM ROAD, SUITE 100
SAN ANTONIO, TEXAS 78216
(210) 525-9090
ATTN.: ARMANDO NIEBLA, P.E.

BPI JOB NO: 50827-02.52

ADDRESS : SH46 AND LOOP 337
NEW BRAUNFELS, TEXAS 78701

WATER POLLUTION ABATEMENT PLAN

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

WET POND NOTES:

- THE CONTRACTOR IS TO CONSTRUCT ALL POND EMBANKMENT SECTIONS AND LINERS PER THE GEOLOGICAL ENGINEERING STUDY FOR WESTPOTE VILLAGE AS PREPARED BY TERRACON
2. WETLAND PLANTS PROVIDED IN BARE-ROOT FORM SHALL BE EQUAL TO ROOT BALL SIZE TO LISTED MINIMUM CONTAINER SIZES.
3. ALL WETLAND PLANTS WHICH FULFILL THE MINIMUM LANDSCAPE REQUIREMENTS SHALL BE PROVIDED IN 100% PLANTING. PLANTS SHOULD BE SPECIFIED BY SPECIES NAME. SPECIES ARE PLANT SPECIES OR GENOTYPES WHICH ARE NATIVE TO A RANGE OF WITHIN 250 MILES OF THE PROJECT SITE.
4. A MINIMUM OF 90% OF THE VEGETATION SHALL BE ALIVE AND VISIBLE FOR ONE YEAR FOLLOWING INSTALLATION.
5. WETLAND PLANTS MUST BE INSTALLED AT WATER DEPTHS APPROPRIATE TO THE SPECIES. THE DEPTH OF WATER SHOULD BE WITHIN THE RANGE OF NATURAL ZONE IN WHICH THE PLANTS CAN BE FOUND. PLANTING DEPTHS ARE USUALLY SHALLOWER DEPTHS. THE DEPTHS OF PLANTING SHOULD BE WITHIN THE RANGE OF NATURAL ZONE IN WHICH THE PLANTS CAN BE FOUND. PLANTING DEPTHS ARE USUALLY SHALLOWER DEPTHS. THE DEPTHS OF PLANTING SHOULD BE WITHIN THE RANGE OF NATURAL ZONE IN WHICH THE PLANTS CAN BE FOUND.
6. CATTAILS (TYPHA SPP.) NEED TO INVADE ALL WETLANDS AND AGGRESSIVELY COLONIZE THE SHALLOW WATER BENCH. THEREFORE CATTAILS SHALL NOT BE SPECIFIED ON THE PLANTING LIST.
7. THE DESIGNER IS NOT LIMITED TO THE SPECIES DESCRIBED. ADDITIONAL SPECIES USED FOR AESTHETIC REASONS, ETC. ARE ENCOURAGED. PLANTS NOT INTENDED TO MEET MINIMUM REQUIREMENTS SHOULD BE SPECIFIED AS SUCH.
8. MICROBIAL INJECTION: A SUBSTANTIAL PORTION OF THE POLLUTANT REMOVAL IN WET PONDS IS DUE TO BIOLOGICAL PROCESSES THAT OCCUR IN THE SEDIMENT. BACTERIA IN THE POND BOTTOMS CAN REMOVE POLLUTANTS FROM THE WATER COLUMN. THE REMOVAL OF POLLUTANTS FROM THE WATER COLUMN BY BIOLOGICAL PROCESSES REQUIRES AN ORGANIC FOOD SOURCE, SUCH AS DECAYING PLANT LITTER. BECAUSE IT IS NOT PRACTICAL TO MAINTAIN A CONTINUOUS SUPPLY OF ORGANIC LITTER, THE LITTER SHOULD BE SUPPLIED PERIODICALLY. LITTER SHOULD BE APPLIED TO THE POND BOTTOMS IN A MANNER THAT WILL MAINTAIN A CONTINUOUS SUPPLY OF LITTER. LITTER SHOULD BE APPLIED TO THE POND BOTTOMS IN A MANNER THAT WILL MAINTAIN A CONTINUOUS SUPPLY OF LITTER.
9. ALGAE: HIGH NUTRIENT LOADS IN WET PONDS MAY CAUSE ALGAE BLOOMS TO OCCUR. PUNCTURE GROUND IS OFTEN ASSOCIATED WITH THESE ALGAE BLOOMS. HOWEVER, TREATING WITH PUNCTURE GROUND IS NOT NECESSARY. ALGAE BLOOMS CAN BE CONTROLLED BY REDUCING NUTRIENT LOADS. ALGAE BLOOMS CAN BE CONTROLLED BY REDUCING NUTRIENT LOADS. ALGAE BLOOMS CAN BE CONTROLLED BY REDUCING NUTRIENT LOADS.
10. NUTRIAL: WILDLIFE, SUCH AS NUTRIALS, HAS BEEN OBSERVED TO DESTROY THE VEGETATED AREAS. NUTRIALS ARE NOT NECESSARY FOR THE VEGETATED AREAS. NUTRIALS ARE NOT NECESSARY FOR THE VEGETATED AREAS. NUTRIALS ARE NOT NECESSARY FOR THE VEGETATED AREAS.
11. WETLAND PLANTS: WETLAND PLANTS SHOULD BE INSTALLED AT WATER DEPTHS APPROPRIATE TO THE SPECIES. THE DEPTH OF WATER SHOULD BE WITHIN THE RANGE OF NATURAL ZONE IN WHICH THE PLANTS CAN BE FOUND. PLANTING DEPTHS ARE USUALLY SHALLOWER DEPTHS. THE DEPTHS OF PLANTING SHOULD BE WITHIN THE RANGE OF NATURAL ZONE IN WHICH THE PLANTS CAN BE FOUND.
12. DOMESTIC WATERWORN: DOMESTIC WATERWORN CAN DESTROY VEGETATION AND INCREASE TURBIDITY. DOMESTIC WATERWORN SHOULD BE EXCLUDED FROM THE VEGETATED AREAS. DOMESTIC WATERWORN SHOULD BE EXCLUDED FROM THE VEGETATED AREAS. DOMESTIC WATERWORN SHOULD BE EXCLUDED FROM THE VEGETATED AREAS.
13. CARP AND GOLDFISH: CARP AND GOLDFISH ARE BOTTOM-FEEDERS THAT CAN CAUSE TURBIDITY AND OTHER PROBLEMS. THEY SHOULD NOT BE INTRODUCED INTO A WET POND.
14. INITIAL FILLING: WHILE THE POND IS IN CONSTRUCTION, IT IS INTENDED THAT NO POTABLE WATER BE USED TO FILL THE POND. POTABLE WATER SHOULD NOT BE USED TO FILL THE POND.
15. UTILITY LINES: UTILITY LINES SHOULD NOT BE LOCATED WITHIN THE LIMITS OF THE MAXIMUM WATER SURFACE ELEVATION OF A WET POND.
16. HAZARDOUS MATERIAL TRAP: SPILLS OF HAZARDOUS LIQUIDS CAN SEVERELY DAMAGE OR KILL WETLAND PLANTS. HAZARDOUS MATERIAL TRAPS SHOULD BE INSTALLED TO PREVENT HAZARDOUS LIQUIDS FROM ENTERING THE POND. HAZARDOUS MATERIAL TRAPS SHOULD BE INSTALLED TO PREVENT HAZARDOUS LIQUIDS FROM ENTERING THE POND.
17. HAZARDOUS MATERIAL TRAP: SPILLS OF HAZARDOUS LIQUIDS CAN SEVERELY DAMAGE OR KILL WETLAND PLANTS. HAZARDOUS MATERIAL TRAPS SHOULD BE INSTALLED TO PREVENT HAZARDOUS LIQUIDS FROM ENTERING THE POND. HAZARDOUS MATERIAL TRAPS SHOULD BE INSTALLED TO PREVENT HAZARDOUS LIQUIDS FROM ENTERING THE POND.
18. HAZARDOUS MATERIAL TRAP: SPILLS OF HAZARDOUS LIQUIDS CAN SEVERELY DAMAGE OR KILL WETLAND PLANTS. HAZARDOUS MATERIAL TRAPS SHOULD BE INSTALLED TO PREVENT HAZARDOUS LIQUIDS FROM ENTERING THE POND. HAZARDOUS MATERIAL TRAPS SHOULD BE INSTALLED TO PREVENT HAZARDOUS LIQUIDS FROM ENTERING THE POND.
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CONSTRUCTION NOTES:

1. PRIOR TO INITIALLY FILLING THE PERMANENT POOL, THE CLAY LINE WITHIN THE PERMANENT POOL SHALL BE KEEP MOIST UNTIL THE PERMANENT POOL VOLUME HAS BEEN REACHED TO PREVENT CRACKS FROM FORMING IN THE LINER.
2. ALL BACK FILL FOR THE INVERTED OUTFALL PIPE AND MAKE-UP WATER LINE SHALL BE OF CLAY MATCHING THE SPECIFICATIONS LISTED ON SHEET C14.3.
3. THE INVERTED OUTFALL PIPE SHALL HAVE WATER TIGHT JOINTS.
4. CONTRACTOR IS TO MONITOR THE SURFACE WATER ELEVATION OF THE PERMANENT POOL UNTIL CONSTRUCTION IS COMPLETE. THE CONTRACTOR SHALL CONTACT THE ENGINEER/OWNER IMMEDIATELY IF THE POND IS LOSING MORE THAN 1.5" OF WATER AT ANY GIVEN WEEK.

GENERAL CONSTRUCTION NOTES:

1. WRITTEN CONSTRUCTION NOTIFICATION MUST BE GIVEN TO THE APPROPRIATE TCEQ REGIONAL OFFICE NO LATER THAN 48 HOURS PRIOR TO COMMENCEMENT OF THE CONSTRUCTION ACTIVITY. THE NOTIFICATION MUST BE IN WRITING AND MUST INCLUDE THE FOLLOWING INFORMATION: THE NAME OF THE PROJECT, THE LOCATION OF THE CONSTRUCTION ACTIVITY WILL COMMENCE, THE NAME OF THE APPROVED PLAN FOR THE REGULATED ACTIVITY, THE NAME OF THE PROJECT ENGINEER, THE NAME OF THE PROJECT CONTRACTOR AND THE NAME AND TELEPHONE NUMBER OF THE CONTACT PERSON.
2. ALL CONTRACTORS CONDUCTING REGULATED ACTIVITIES ASSOCIATED WITH THIS PROJECT MUST BE PROVIDED WITH COMPLETE COPIES OF THE APPROVED WATER QUALITY ABATEMENT PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT ALL REGULATED ACTIVITIES ARE CONDUCTED IN ACCORDANCE WITH THE ABATEMENT PLAN. THE TCEQ HAS REVIEWED THE ABATEMENT PLAN AND APPROVED IT UNDER THE CONDITIONS OF ITS APPROVAL. DURING THE COURSE OF THESE REGULATED ACTIVITIES, THE CONTRACTOR SHALL BE REQUIRED TO KEEP ON-SITE COPIES OF THE APPROVED PLAN AND APPROVAL LETTER.
3. IF ANY SENSITIVE FEATURE IS DISCOVERED DURING CONSTRUCTION, ALL REGULATED ACTIVITIES NEAR THE SENSITIVE FEATURE MUST BE SUSPENDED IMMEDIATELY. THE CONTRACTOR SHALL BE REQUIRED TO IMMEDIATELY NOTIFY THE TCEQ REGIONAL OFFICE OF THE DISCOVERY. THE TCEQ WILL CONDUCT A FIELD SURVEY OF THE SENSITIVE FEATURES ENCOUNTERED DURING CONSTRUCTION. THE REGULATED ACTIVITIES NEAR THE SENSITIVE FEATURE MAY NOT PROCEED UNTIL THE TCEQ HAS REVIEWED AND APPROVED THE ABATEMENT PLAN FOR THE SENSITIVE FEATURE. THE TCEQ WILL REQUIRE THE EDWARDS AQUIFER FROM ANY POTENTIALLY ADVERSE IMPACTS TO WATER QUALITY.
4. NO TEMPORARY ABOVEGROUND HYDROCARBON AND HAZARDOUS SUBSTANCE STORAGE TANKS, FUEL TANKS, OR FLAMMABLE LIQUID STORAGE TANKS, INDUSTRIAL IRRIGATION, OR PUBLIC WATER SUPPLY WELL, OR OTHER SENSITIVE FEATURE.
5. ALL TEMPORARY EROSION AND SEDIMENTATION (EAS) CONTROL MEASURES MUST BE PROPERLY SPECIFIED, INSTALLED, AND MAINTAINED IN ACCORDANCE WITH THE EROSION AND SEDIMENTATION CONTROL PLAN. THE EROSION AND SEDIMENTATION CONTROL PLAN MUST BE SPECIFIED IN THE TEMPORARY STORM WATER SECTION OF THE APPROVED EDWARDS AQUIFER PROTECTION PLAN. THE EROSION AND SEDIMENTATION CONTROL PLAN MUST INDICATE A CONTROL HAS BEEN USED INAPPROPRIATELY, OR INCORRECTLY, THE APPLICANT MUST REPLACE OR MODIFY THE CONTROL FOR SITE SITUATIONS. THE EROSION AND SEDIMENTATION CONTROL PLAN MUST BE MAINTAINED AND THE AREAS HAVE BECOME PERMANENTLY STABILIZED.
6. IF SEDIMENT ESCAPES THE CONSTRUCTION SITE, OFF-SITE ACCUMULATIONS OF SEDIMENT SHALL BE REMOVED FROM THE CONSTRUCTION SITE IMMEDIATELY. IF IMPACTS TO WATER QUALITY (E.G., FUGITIVE SEDIMENT IN STREET BEING WASHED INTO SURFACE STREAMS OR SENSITIVE FEATURES) BY THE NEXT RAIN.
7. SEDIMENT MUST BE REMOVED FROM SEDIMENT TRAPS OR SEDIMENTATION PONDS IMMEDIATELY PRIOR TO THE RAIN. SEDIMENT MUST BE REMOVED FROM THE TRAP OR STAKE MUST BE PROVIDED THAT CAN INDICATE WHEN THE SEDIMENT COVERS 50% OF THE BASIN VOLUME.
8. LITTER, CONSTRUCTION DEBRIS, AND CONSTRUCTION CHEMICALS EXPOSED TO THE PUBLIC SHALL BE REMOVED FROM THE CONSTRUCTION SITE IMMEDIATELY PRIOR TO STORMWATER DISCHARGES (E.G., SCREENING OUTFALLS, PICKED UP DAILY).
9. ALL SPILLS (EXCAVATED MATERIAL) GENERATED FROM THE PROJECT SITE MUST BE REMOVED IMMEDIATELY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING SPILLS AT ANY OTHER SITE ON THE EDWARDS AQUIFER RECHARGE ZONE, THE OWNER OF THE SITE MUST RECEIVE APPROVAL OF A WATER POLLUTION ABATEMENT PLAN FOR THE REMOVAL OF THE SPILL MATERIAL, OR MASS GRADING PRIOR TO THE PLACEMENT OF SPILLS AT THE OTHER SITE.
10. STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE IN AREAS WHERE THE CONSTRUCTION ACTIVITY HAS BEEN TEMPORARILY OR PERMANENTLY CEASED, BUT IN NO CASE MORE THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED. THE CONTRACTOR SHALL BE REQUIRED TO INITIATE STABILIZATION MEASURES BY THE 14TH DAY AFTER CONSTRUCTION ACTIVITY TEMPORARILY OR PERMANENTLY CEASES IS INITIATED. THE CONTRACTOR SHALL BE REQUIRED TO INITIATE STABILIZATION MEASURES AS SOON AS PRACTICABLE, WHERE CONSTRUCTION ACTIVITY ON A PORTION OF THE CONSTRUCTION SITE HAS TEMPORARILY OR PERMANENTLY CEASED. STABILIZATION MEASURES MUST BE INITIATED WITHIN 21 DAYS. TEMPORARY STABILIZATION MEASURES DO NOT HAVE TO BE INITIATED ON THAT PORTION OF SITE IN AREAS EXPERIENCING DROUGHTS WHERE THE INITIATION OF STABILIZATION MEASURES IS DEPENDENT ON THE CONSTRUCTION ACTIVITY HAVING TEMPORARILY OR PERMANENTLY CEASED IS PRECEDDED BY SEASONAL AND ANNUAL STABILIZATION MEASURES THAT ARE INITIATED AS SOON AS PRACTICABLE.
11. THE FOLLOWING RECORDS SHALL BE MAINTAINED AND MADE AVAILABLE TO THE TCEQ UPON REQUEST: THE DATES WHEN MAJOR GRADING ACTIVITIES OCCUR; THE DATES WHEN CONSTRUCTION ACTIVITIES TEMPORARILY OR PERMANENTLY CEASED; THE DATES WHEN CONSTRUCTION ACTIVITIES TEMPORARILY OR PERMANENTLY CEASED; THE DATES WHEN CONSTRUCTION ACTIVITIES TEMPORARILY OR PERMANENTLY CEASED.
12. THE HOLDER OF ANY APPROVED EDWARDS AQUIFER PROTECTION PLAN MUST NOTIFY THE APPROPRIATE REGIONAL OFFICE IN WRITING AND OBTAIN APPROVAL FROM THE TCEQ REGIONAL OFFICE PRIOR TO INITIATING ANY CONSTRUCTION ACTIVITY.

- A. ANY PHYSICAL OR OPERATIONAL MODIFICATION OF ANY WATER POLLUTION ABATEMENT STRUCTURE(S), INCLUDING BUT NOT LIMITED TO PONDS, DAMS, BERMS, SEWAGE TREATMENT PLANTS, AND DIVERSORYNARY STRUCTURES;
 B. ANY CHANGE IN THE NATURE OR CHARACTER OF THE REGULATED ACTIVITY FROM THAT WHICH WAS ORIGINALLY APPROVED OR A CHANGE WHICH WOULD SIGNIFICANTLY IMPACT THE ABILITY OF THE PLAN TO PREVENT POLLUTION OF THE EDWARDS AQUIFER;
 C. ANY DEVELOPMENT OF LAND PREVIOUSLY IDENTIFIED AS UNDEVELOPED IN THE ORIGINAL WATER POLLUTION ABATEMENT PLAN.
- SAN ANTONIO REGIONAL OFFICE
 14250 JUDSON RD.
 SAN ANTONIO, TEXAS 78233-4480
 PHONE (512) 490-3006
 FAX (210) 454-6329
- AUSTIN REGIONAL OFFICE
 2800 S. IH-35, SUITE 100
 AUSTIN, TEXAS 78704-5712
 PHONE (512) 339-4209
 FAX (512) 339-3795

SAN ANTONIO REGIONAL OFFICE
14250 JUDSON RD.
SAN ANTONIO, TEXAS 78233-4480
PHONE (210) 490-3096
FAX (210) 545-4329

AUSTIN REGIONAL OFFICE
2800 S. IH-35, SUITE 100
AUSTIN, TEXAS 78704-5712
PHONE (512) 339-2929
FAX (512) 339-3795

SHEET INDEX

WATER POLLUTION ABATEMENT PLAN		SHEET NO.
COVER SHEET.....		C14.0
WATER QUALITY POND PLAN 1.....		C14.1
WATER QUALITY POND SECTIONS.....		C14.2
WATER QUALITY POND DETAILS AND POND CALCULATIONS.....		C14.3

MAINTENANCE NOTES:

- [illegible]

SPECIAL CONSTRUCTION NOTES:

- [illegible]

TRENCH EXCAVATION SAFETY PROTECTION:

CONTRACTOR AND/OR CONTRACTOR'S INDEPENDENTLY RETAINED EMPLOYE
OR STRUCTURAL DESIGN/GEOTECHNICAL/SAFETY/EQUIPMENT CONSULTANT,
AND ANY, SHALL REVIEW THESE PLANS AND AVAILABLE GEOTECHNICAL
INFORMATION AND SHALL BE RESPONSIBLE FOR THE DESIGN OF THE
PROJECT AREA IN ORDER TO IMPLEMENT CONTRACTOR'S TRENCH EXCAVATION
SAFETY PROTECTION SYSTEMS PROGRAMS AND PROCEDURES. THE
CONTRACTOR SHALL IMPLEMENT THE SYSTEMS AND PROCEDURES. THE
CONTRACTOR SHALL BE RESPONSIBLE FOR ADEQUATE TRENCH EXCAVATION
PROTECTION THAT COMPLIES WITH AS A MINIMUM, OSHA STANDARDS FOR
TRENCH EXCAVATION. SPECIFICALLY, CONTRACTOR AND/OR CONTRACTOR'S
INDEPENDENTLY RETAINED EMPLOYE SHALL BE RESPONSIBLE FOR
IMPLEMENT A TRENCH SAFETY PROGRAM IN ACCORDANCE WITH OSHA
STANDARDS GOVERNED BY THE OCCURRENCE OF THE ACTIVITIES OF INDIVIDUALS
WORKING IN AND AROUND TRENCH EXCAVATION.

b Bury+Partners
ENGINEERING SOLUTIONS
922 Isom Road, Suite 100
San Antonio, TX 78216
Tel. (210)525-9090 Fax (210)525-0529
TBPE Registration Number F1048
Bury+Partners-SA, Inc. ©Copyright 2009

SUBMITTED BY :

ARMANDO NIEBLA, P.E.
BURY+PARTNERS, INC.
922 ISOM ROAD, SUITE 100
SAN ANTONIO, TEXAS 78216
(210) 525-9090

DATE _____

				SHEET
				C14.0
NO.		REVISION		APPROVAL

SHEET
C14.0



PLAN OF RECORD

I HEREBY CERTIFY THAT THIS "PLAN OF RECORD" IS
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE
AND WAS PREPARED UNDER MY SUPERVISION

ARMANDO J. NIEBLA P.E.

DATE _____

PLOTTING SCALE: 1"=1'
DATE REVISED: Nov 08, 2010
FILE: S:\827\02\WPAP\82702CVR-WET BASIN.dwg

DATE: _____
 BY: _____
 WPM: _____

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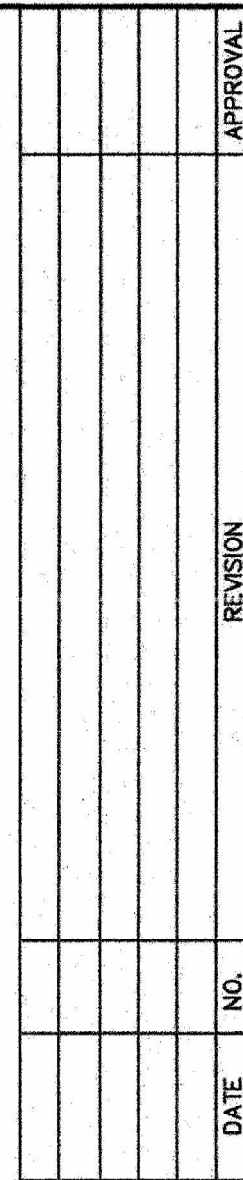
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Bury+Partners
ENGINEERING SOLUTIONS
822 Icom, Suite 100
San Antonio, TX 78216
Tel. (210) 525-0060 Fax (210) 525-0529
TIFTS Registration Number 10468
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WATER QUALITY POND PLAN 1

**WESTPOINTE VILLAGE
SH 46 AND LOOP 337
NEW BRAUNFELS, TEXAS**

PLOTTING SCALE: 1"= 1'	
DATE: REVISED: Nov 08, 2010	
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DRAWN BY: RR	
DESIGNED BY: SSL	
REVIEWED BY: AN	
PROJECT NO.: 50827-02	

SHEET
C14.1

10/29/10	RECORD DRAWINGS	AN
DATE	NO	REVISION
		APPROVAL

b Bury+Partners
ENGINEERING SOLUTIONS
922 Inman Road, Suite 100
San Antonio, TX 78216
Tel. (210) 525-0900 Fax (210) 525-0839
THEIR Registration Number F1048
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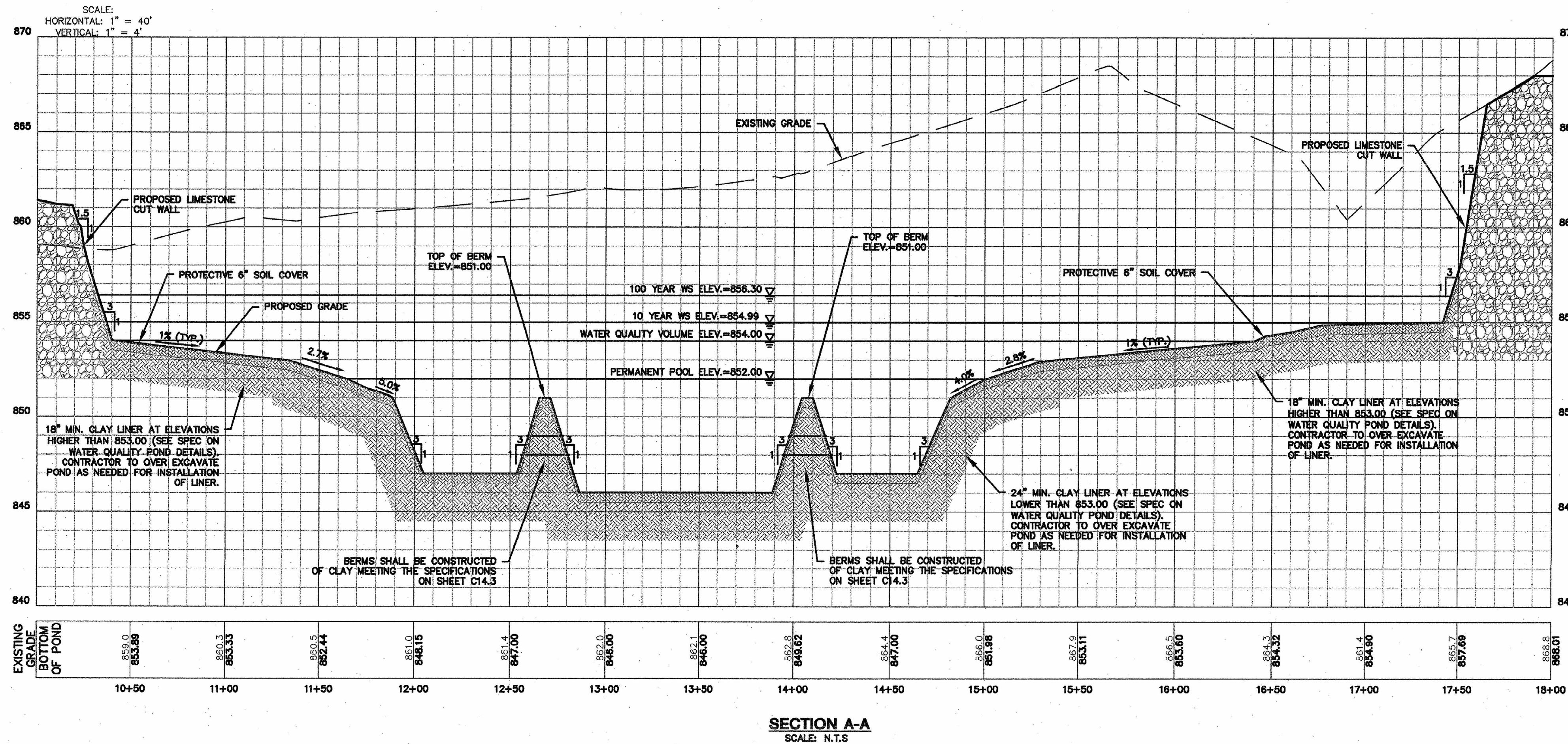
WATER QUALITY POND PLAN 1

WESTPOINTE VILLAGE

**SH 46 AND LOOP 337
NEW BRAUNFELS, TEXAS**

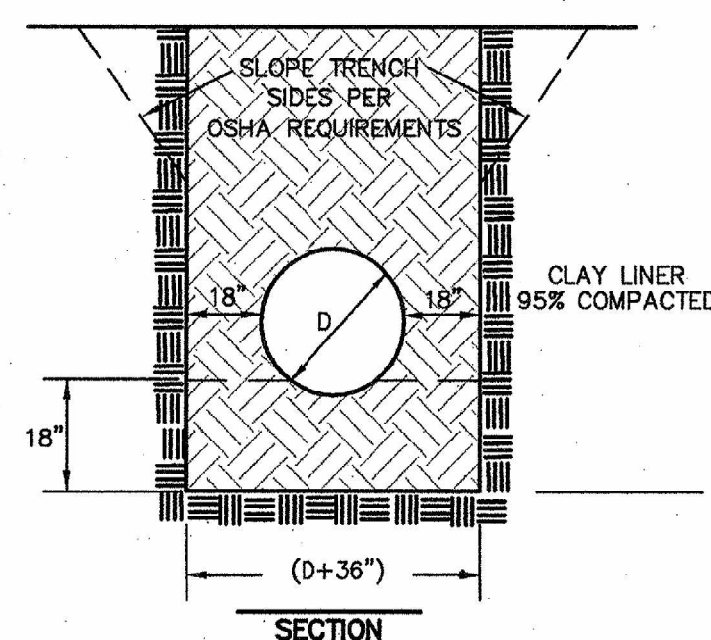
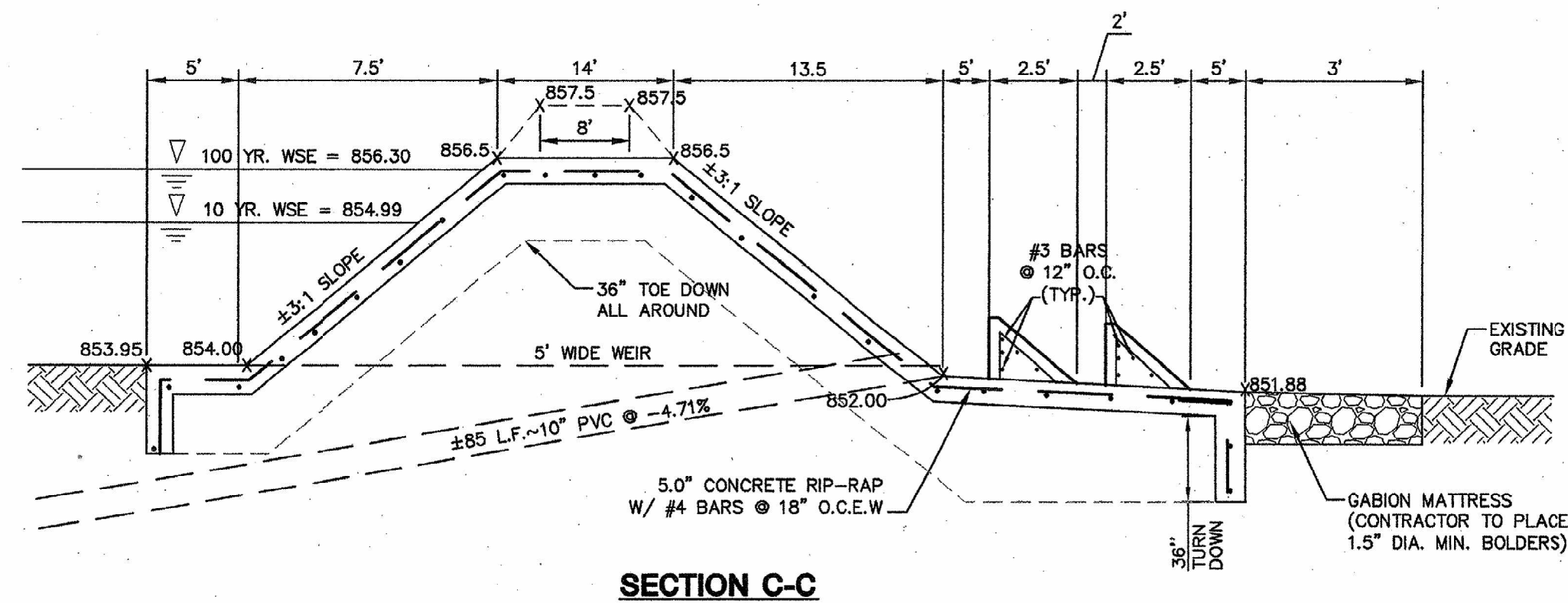
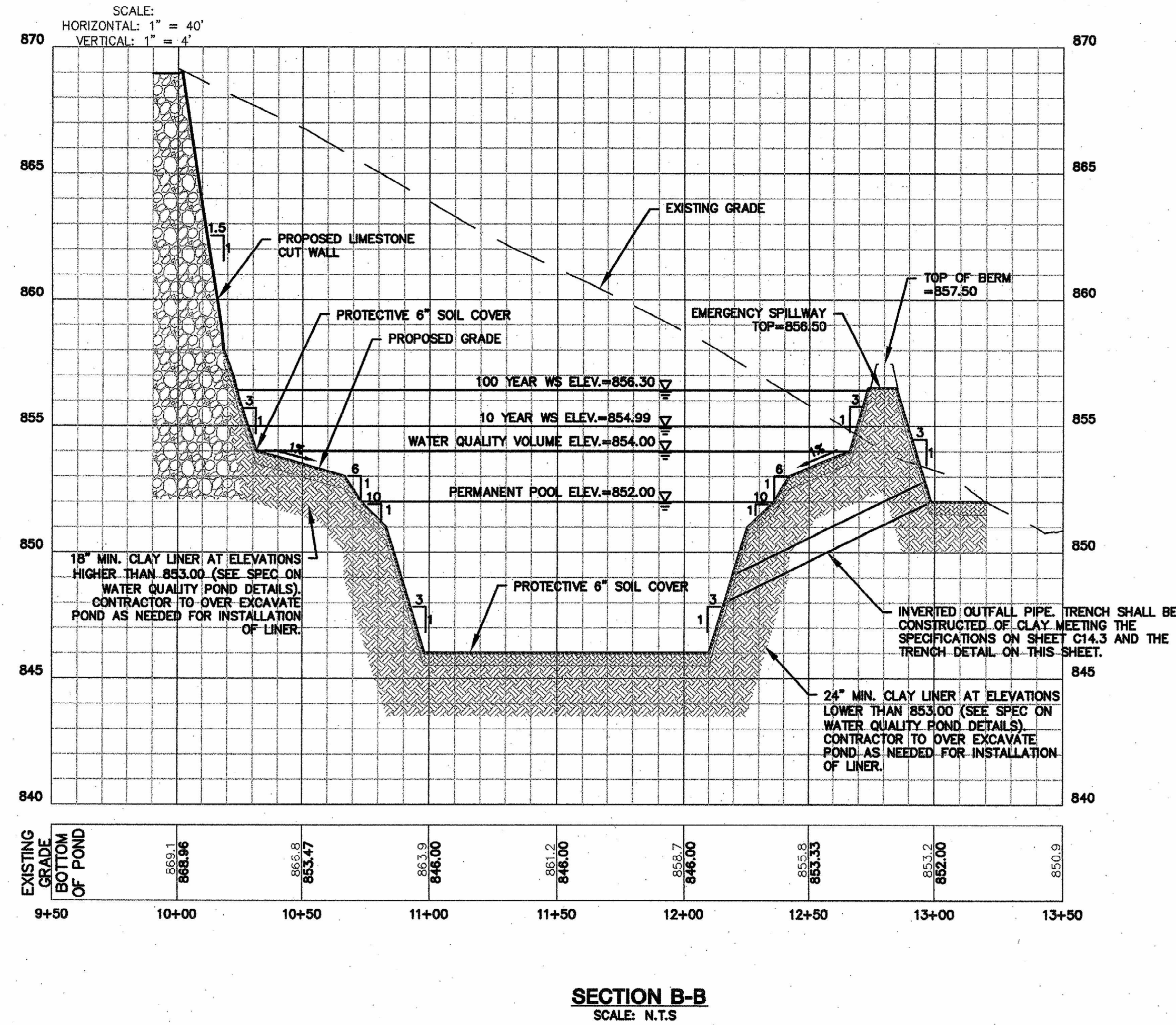
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DRAWN BY: CC
DESIGNED BY: CC/SSL
REVIEWED BY: AN
JOB EST. NO. 007 00



THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

PLAN OF RECORD
I HEREBY CERTIFY THAT THIS "PLAN OF RECORD" IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND WAS PREPARED UNDER MY SUPERVISION
ARMANDO J. NIEBLA P.E.
DATE: 11/8/10



FLEXIBLE PIPE:
POLYVINYL CHLORIDE PIPE
1. BEDDING SHALL BE COMPACTED AT 95% STANDARD PROCTOR AND SHOULD CONFORM WITH THE CLAY LINER SPECS ON SHEET C14.3.

Bury Partners
ENGINEERING SOLUTIONS
22200 N. Loop West, Suite 100
San Antonio, TX 78258
Tel: (210) 582-2000 Fax: (210) 582-0329
Toll Free: 1-800-855-6629
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WATER QUALITY POND SECTIONS

WESTPOINTE VILLAGE
SH 46 AND LOOP 337
NEW BRAUNFELS, TEXAS

PLOTTING SCALE: 1"= 1'
DATE REVISED: Nov 08, 2010
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PROJECT NO.: 50827-02

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REVISION	NO.	DATE
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ENGINEERING SOLUTIONS
22200 N. Loop West, Suite 100
San Antonio, TX 78258
Tel: (210) 582-2000 Fax: (210) 582-0329
Toll Free: 1-800-855-6629
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ARMANDO J. NIEBLA
102296
LICENSED PROFESSIONAL ENGINEER
11/10

WATER QUALITY POND SECTIONS

WESTPOINTE VILLAGE
SH 46 AND LOOP 337
NEW BRAUNFELS, TEXAS

PLOTTING SCALE: 1"= 1'
DATE REVISED: Nov 08, 2010
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DRAWN BY: CC
DESIGNED BY: CC/SSL
REVIEWED BY: AN
PROJECT NO.: 827-02

SHEET
C14.2

ATTACHMENT G – INSPECTION, MAINTENANCE, REPAIR AND RETROFIT PLAN

TCEQ-0600

ATTACHMENT G

INSPECTION, MAINTENANCE, REPAIR AND RETROFIT PLAN

INSPECTION AND MAINTENANCE OVERVIEW

The owner of the lot where a sedimentation/filtration basin is located is responsible for the inspection, maintenance, and repair of the water quality pond(s).

- **MOWING.** The side-slopes, embankment, and emergency spillway of the basin should be mowed at least twice a year to prevent woody growth and control weeds.
- **INSPECTIONS.** Wet basins should be inspected at least twice a year (once during or immediately following wet weather) to evaluate facility operation. When possible, inspections should be conducted during wet weather to determine if the basin is functioning properly. There are many functions and characteristics of these BMPs that should be inspected. The embankment should be checked for subsidence, erosion, leakage, cracking and tree growth. The condition of the emergency spillway should be checked. The inlet, barrel, and outlet should be inspected for clogging. The adequacy of upstream and downstream channel erosion protection measures should be checked. Stability of the side slopes should be checked. Modifications to the basin structure and contributing watershed should be evaluated. During semi-annual inspections, replace any dead or displaced vegetation. Replanting of various species of wetland vegetation may be required at first, until a viable mix of species is established. Cracks, voids and undermining should be patched/filled to prevent additional structural damage. Trees and root systems should be removed to prevent growth in cracks and joints that can cause structural damage. The inspections should be carried out with as-built pond plans in hand.
- **DEBRIS AND LITTER REMOVAL.** As part of periodic mowing operations and inspections, debris and litter should be removed from the surface of the basin. Particular attention should be paid to floatable debris around the riser, and the outlet should be checked for possible clogging.
- **EROSION CONTROL.** The basin side slopes, emergency spillway, and embankment all may periodically suffer from slumping and erosion. Corrective measures such as regrading and revegetation may be necessary. Similarly, the riprap protecting the channel near the outlet may need to be repaired or replaced.
- **NUISANCE CONTROL.** Most public agencies surveyed indicate that control of insects, weeds, odors, and algae may be needed in some ponds. Nuisance control is probably the most frequent maintenance item demanded by local residents. If the ponds are properly sized and vegetated, these problems should be rare in wet ponds except under extremely dry weather conditions. Twice a year, the facility should be evaluated in terms of nuisance control (insects, weeds, odors, algae, etc.). Biological control of algae and mosquitoes using fish such as fathead minnows is preferable to chemical applications.

NON-ROUTINE MAINTENANCE

- **STRUCTURAL REPAIRS AND REPLACEMENT.** Eventually, the various inlet/outlet and riser works in the wet basin will deteriorate and must be replaced. Some public works experts have estimated that corrugated metal pipe (CMP) has a useful life of about 25 years, while concrete barrels and risers may last from 50 to 75 years. The actual life depends on the type of soil, pH of runoff, and other factors. Polyvinyl chloride (PVC) pipe is a corrosion resistant alternative to metal and concrete pipes. Local experience typically determines which materials are best suited to the site conditions. Leakage or seepage of water through the embankment can be avoided if the embankment has been constructed of impermeable material, has been compacted, and if anti-seep collars are used around the barrel. Correction of any of these design flaws is difficult.
- **SEDIMENT REMOVAL.** Wet ponds will eventually accumulate enough sediment to significantly reduce storage capacity of the permanent pool. As might be expected, the accumulated sediment can reduce both the appearance and pollutant removal performance of the pond. Sediment accumulated in the sediment forebay area should be removed from the facility every two years to prevent accumulation in the permanent pool. Dredging of the permanent pool should occur at least every 20 years, or when accumulation of sediment impairs functioning of the outlet structure.
- **HARVESTING.** If vegetation is present on the fringes or in the pond, it can be periodically harvested and the clippings removed to provide export of nutrients and to prevent the basin from filling with decaying organic matter.

Benjamin R. Scott

Name of Owner/Agent


Signature of Owner/Agent

04/03/2025

Date



Chad Respondek

4/1/2025

Signature/Seal of Professional Engineer Date
Chad Respondek, P.E.
KFM Engineering and Design TBPE F-20821

The Professional Engineer is signing as the preparer of the document. The owner/agent is signing as the responsible party to ensure that the inspection, maintenance, repair, and retrofit plan items mentioned above will be compiled with per the regulations of TCEQ.

AGENT AUTHORIZATION FORM

TCEQ-0599

Owner Authorization Form

Texas Commission on Environmental Quality
for Required Signature
Edwards Aquifer Protection Program
Relating to 30 TAC Chapter 213
Effective June 1, 1999

Land Owner Authorization

I, Byron Sullivan of LPF Westpointe, LLC
Owner Signatory Name Land Owner Name (Legal Entity or Individual)

am the owner of the property located at

Westpointe Subdivision Unit 2, Lot 1A LG PT, recorded in the Plat Records of Comal County, Texas under Document No. 201106043085
~~Legal description of the property referenced in the application~~

and am duly authorized in accordance with §213.4(c)(2) and §213.4(d)(1) or §213.23(c)(2) and §213.23(d) relating to the right to submit an application, signatory authority, and proof of authorized signatory.

I do hereby authorize HEB, LP
Applicant Name (Legal Entity or Individual)

to conduct WPAP permitting with associated permanent BMP
Description of the proposed regulated activities

at Westpointe Subdivision Unit 2, Lot 1A LG PT, recorded in the Plat Records of Comal County, Texas under Document No. 201106043085
Precise location of the authorized regulated activities

Land Owner Acknowledgement

I understand that LPF Westpointe, LLC
Land Owner Name (Legal Entity or Individual)

Is ultimately responsible for compliance with the approved or conditionally approved Edwards Aquifer protection plan and any special conditions of the approved plan through all phases of plan implementation even if the responsibility for compliance and the right to possess and control the property referenced in the application has been contractually assumed by another legal entity. I further understand that any failure to comply with any condition of the executive director's approval is a violation is subject to administrative rule or orders and penalties as provided under §213.10 (relating to Enforcement). Such violation may also be subject to civil penalties and injunction.

Land Owner Signature

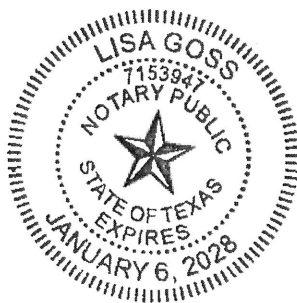
Byron Sullivan
Land Owner Signature
By: Byron Sullivan, Vice President

3/21/2025
Date

THE STATE OF § TEXAS
County of § Harris

BEFORE ME, the undersigned authority, on this day personally appeared Byron Sullivan
known to me to be the person whose name is subscribed to the foregoing instrument, and
acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 21st day of March 2025



Lisa Goss
NOTARY PUBLIC

Lisa Goss
Typed or Printed Name of Notary

MY COMMISSION EXPIRES: January 6, 2028

Attached: (Mark all that apply)

- ☐ Signed Contract
- ☒ Lease Agreement (Excerpts attached)
- ☐ Deed Recorded Easement
- ☐ Other legally binding document

Applicant Acknowledgement

I, Benjamin Scott of HEB, LP
Applicant Signatory Name Applicant Name (Legal Entity or Individual)

acknowledge that LPF WestPointe, LLC
Land Owner Name (Legal Entity or Individual)

has provided HEB, LP
Applicant Name (Legal Entity or Individual)

with the right to possess and control the property referenced in the Edwards Aquifer protection plan.

I understand that HEB, LP
Applicant Name (Legal Entity or Individual)

is contractually responsible for compliance with the approved or conditionally approved Edwards Aquifer protection plan and any special conditions of the approved plan through all phases of plan implementation. I further understand that failure to comply with any condition of the executive director's approval is a violation is subject to administrative rule or orders and penalties as provided under §213.10 (relating to Enforcement). Such violation may also be subject to civil penalties and injunction.

Applicant Signature

[Signature]
Applicant Signature

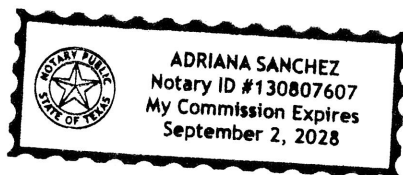
4/1/25
Date

THE STATE OF § Texas

County of § Bexar

BEFORE ME, the undersigned authority, on this day personally appeared Benjamin Scott
known to me to be the person whose name is subscribed to the foregoing instrument, and
acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 1st day of April



[Signature]
NOTARY PUBLIC
Adriana Sanchez
Typed or Printed Name of Notary

MY COMMISSION EXPIRES: September 2, 2028

LEASE AGREEMENT
Between NB RETAIL, LTD., as Landlord,
and HEB GROCERY COMPANY, LP, as Tenant

1.	Definitions	1
(a)	Building Areas	1
(b)	Common Areas	1
(c)	Delivery Date	1
(d)	Effective Date	1
(e)	Fiscal Year	1
(f)	Floor Area	1
(g)	HEB Expansion Area	2
(h)	Leasable Space	2
(i)	Leased Premises	2
(j)	Pads	2
(k)	Permitees	3
(l)	Rental Commencement Date	3
(m)	Shopping Center	3
(n)	Site Plan	4
(o)	Tenant's Share	4
(p)	Utility Facilities	4
2.	Demise, Term	5
(a)	Demise	5
(b)	Term	5
(c)	Options	5
(d)	Quiet Enjoyment	5
(e)	Landlord's Title, Subordination, Nondisturbance	5
(1)	Title	5
(2)	Subordination, Nondisturbance	6
(3)	No Governmental Prohibitions	6
3.	Rent	7
(a)	Minimum Rent	7
(b)	Tax Cost	7
(1)	Current Taxes, Payment by Landlord and Reimbursement by Tenant	7
(2)	Taxes Defined	8
(3)	Separately Assessed	8
(4)	Installments	9
(5)	Refunds	9
(6)	Contests	9
(7)	Miscellaneous	9
(8)	Taxes on Tenant's Personal Property	10
(c)	Insurance Charge	10
(d)	Tenant's Share of Common Areas Costs	10
(1)	Definition of Common Areas Costs	10
(2)	Monthly CAM Installments	11
(3)	Annual CAM Statement and Reconciliation	12
(4)	Tenant's Right to Dispute CAM Statements	12
(5)	Maximum Annual Increase in Tenant's Share of Common Area Costs	12

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease") is between NB RETAIL, LTD., a Texas limited partnership ("Landlord") and HEB GROCERY COMPANY, LP, a Texas limited partnership ("Tenant"). For valuable consideration the parties agree and act as follows:

1. Definitions. The following terms have the meanings set forth below:

(a) Building Areas. Those areas of the Shopping Center depicted as "Permissible Building Envelopes" on the Site Plan attached hereto as Exhibit "A-1" upon which buildings are currently situated or may be constructed in the future. Landlord shall not construct or permit any building structures in the Shopping Center except within the Building Areas and the Floor Area of any building constructed in the Shopping Center shall not exceed the maximum Floor Area applicable to the Permissible Building Envelope in which it is constructed.

(b) Common Areas. All portions of the Shopping Center, other than the areas within the Building Areas upon which buildings are located from time-to-time, shall be Common Areas available for the general use, convenience and benefit of Tenant and other tenants and Permittees. The Common Areas include fire corridors, automobile parking areas, access roads, sidewalks, traffic lanes, parcel pickup areas, service drives, entrances and exits from and to public roads, curbs, landscaping, lighting facilities, stairways, and Utility Facilities, but expressly exclude loading ramps, drive-thru area(s) and outdoor sales area(s) exclusively serving a particular tenant (as permitted hereunder).

(c) Delivery Date. The date upon which Landlord delivers exclusive possession of the Leased Premises to Tenant with all of Landlord's Initial Work (as defined in paragraph 4(d) below) completed.

(d) Effective Date. The date this Lease is signed by both Landlord and Tenant as reflected on the signature page hereof.

(e) Fiscal Year. Approximately twelve (12) month period ending upon the close of Tenant's books at or near the last week of October of each year.

(f) Floor Area. The total number of square feet of floor area located within the perimeter walls of the building(s) in the Shopping Center, as the same are constructed from time-to-time, which number of square feet shall be based upon measurements extending from the midpoint of the demising walls of such building(s) and the exterior surface of the perimeter walls of such building(s). The

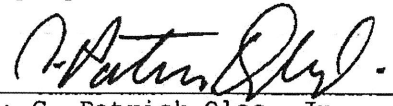
EXECUTED this 16th day of November, 2009.

LANDLORD:

NB RETAIL, LTD.,
a Texas limited partnership


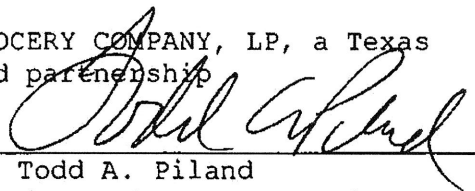
By: B&O DEVELOPMENT G.P., L.L.C.,
a Texas limited liability company,
its General Partner

By: B&O MANAGEMENT COMPANY, LLC,
a Delaware limited liability
company, its Sole Member

By: 
Name: C. Patrick Oles, Jr.
Title: President

TENANT:

HEB GROCERY COMPANY, LP, a Texas
limited partnership

 By: 
Name: Todd A. Piland
Title: Executive Vice President
of Real Estate

EXHIBITS:

- Exhibit A - Description of Shopping Center
- Exhibit A-1 - Site Plan and Leased Premises
- Exhibit B - Permitted Title Exceptions
- Exhibit B-1 - Plans and Specifications Procedure
- Exhibit B-2 - Landlord's Work Requirements
- Exhibit B-3 - Signage
- Exhibit C - Memorandum of Lease
- Exhibit D - Subordination, Attornment, Nondisturbance Agreement
- Exhibit E - Disclosure
- Exhibit F - Estoppel Certificate
- Exhibit G - Appointment of Agent for Tax Purposes Form
- Exhibit H - [Intentionally Omitted]
- Exhibit I - Tenant's Tax Parcel

Exhibit "A"

LEGAL DESCRIPTION OF SHOPPING CENTER LAND

(TRACTS #1, #2 AND #3 AS DESCRIBED BELOW)

FIELD NOTES

FOR

TRACT # 1

A 7.637 acre, or 332,663 square feet more or less, tract of land being out of that called 205.00 acre tract recorded in Document No. 200706031735 of the Official Records, Comal County, Texas, being out of the Andres Sanches Survey No. 286 in the city of New Braunfels and all in Comal County, Texas. Said 7.637 acre tract being more fully described as follows, with bearings being based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the South Central Zone:

BEGINNING At a found $\frac{1}{2}$ " iron rod along the southwest right-of-way of State Highway 46, a variable width right-of-way, 100-foot minimum, the north corner of the aforementioned 205.00 acre parent tract, the southeast corner of a 10-foot Dedication to Right-of-Way recorded in Volume 12, Page 27 of the Deed and Plat Records of Comal County, Texas, the north corner of herein described tract;

THENCE: Southeasterly along and with the southwest right-of-way of State Highway 46, along the arc of a curve to the right, said curve having a radial bearing of S $35^{\circ}00'44''$ W, a radius of 2834.93 feet, a chord bearing and distance of S $48^{\circ}58'41''$ E, 593.61 feet, for an arc distance of 594.70 feet to a set $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson";

THENCE: Departing the southeast right-of-way of State Highway 46 and across the called 205.00 acre tract the following calls and distances:

S $41^{\circ}17'49''$ W, a distance of 435.86 feet to a set $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson", a point of curvature;

Along the arc of a curve to the left, said curve having a radius of 430.00 feet, a central angle of $15^{\circ}44'21''$, a chord bearing and distance of S $33^{\circ}25'39''$ W, 117.75 feet, for an arc distance of 118.12 feet to a set $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson";

N $41^{\circ}35'22''$ W, departing said curve a distance of 707.87 feet to a set $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson" on the southeast line of Lot 36, The Gardens of Hunter's Creek subdivision, Unit 4, recorded in Volume 13, Page 85 of the Map and Plat Records, Comal County, Texas, the northwest line of said 7.637 acre tract;

THENCE: N 52°38'34" E, with the southeast line of said Gardens of Hunter's Creek, a distance of 471.20 feet to the POINT OF BEGINNING, containing 7.637 acres of land, being 4.312 acres in the City of New Braunfels and all in Comal County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.

DATE: September 28, 2007

JOB No.: 9231-07

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FIELD NOTES
FOR
TRACT 2

A 43.71 acre, or 1,904,031 square feet more or less, tract of land being out of that called 205.00 acre tract recorded in Document No. 200706031735 of the Official Records, Comal County, Texas, being out of the Andres Sanches Survey No. 286, in the City of New Braunfels and all in Comal County, Texas. Said 43.71 acre tract being more fully described as follows, with bearings being based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the South Central Zone:

BEGINNING At a found Texas Department of Transportation Monument with brass plate and "+" at the cutback at engineers station 272+65 330-foot right of centerline, on the northwest right-of-way of F.M. Loop 337, a variable width right-of-way, minimum width 240-feet, from the southwest right-of-way of State Highway 46, a variable width right-of-way, minimum width 100 feet.

THENCE: Along and with the northwest right-of-way of F.M. Loop 337, the following calls and distances:

S 23°28'19" W, a distance of 335.34 feet to a Texas Department of Transportation Monument with brass plate and "+", called S 24°29'38" W, 336.35 by deed;

S 14°38'43" W, a distance of 231.55 feet to a Texas Department of Transportation Monument with brass plate at a point of non-tangent curvature, called S 14°57'52", 231.43' by deed;

Southwesterly, along the arc of a curve to the right, said curve having a radial bearing of N 75°19'54" W, a radius of 1146.30 feet, a central angle of 32°50'46", a chord bearing and distance of S 31°05'29" W, 648.18 feet, for an arc distance of 657.14 feet to a Texas Department of Transportation Monument with brass plate, at a point of tangency, called arc length 657.29 by deed;

S 47°30'53" W, a distance of 642.17 feet to a Texas Department of Transportation Monument with brass plate, at a point of curvature, called S 47°55'49" W 641.94' by deed;

Southwesterly along the arc of a curve to the left, said curve having a radius of 2024.86 feet, called 2025.1 foot radius by deed, a central angle of 2°49'13", a chord bearing and distance of S 45°00'47" W, 99.66 feet, and an arc distance of 99.67 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson", the south corner this tract;

THENCE: Departing the northwest right-of-way of F.M. Loop 337, over and across said 205.00 acre tract the following calls and distances:

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N 55°59'46" W, a distance of 292.69 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson" a west corner of this tract and the south corner of a 14.74 acre tract surveyed concurrently;

N 47°29'02" E, with the southeast line of 14.74 acres a distance of 821.83 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson" for the east corner of 14.74 acre tract, a reentrant corner of this tract;

N 48°35'34" W with the northeast line of 14.74 acres, a distance of 477.08 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson";

N 81°37'23" W, with north line of 14.74 acres, a distance of 439.66 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson" for the north corner of 14.74 acres, a west corner of this tract;

THENCE: Departing the common line of said 14.74 acre tract and continuing across called 205.00 acre tract

N 25°06'56" E, a distance of 474.83 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson", a point of curvature;

Along the arc of a curve to the left, said curve having a radius of 400.00 feet, a central angle of 36°57'02", a chord bearing and distance of N 06°38'25" E, 253.52 feet, and an arc distance of 257.96 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson", a point of tangency;

N 11°50'06" W, a distance of 141.49 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson", a point of curvature;

Along the arc of a curve to the right, said curve having a radial bearing of N 78°09'54" E, a radius of 400.00 feet, a central angle of 53°07'55", a chord bearing and distance of N 14°43'52" E, 357.78 feet, and an arc distance of 370.93 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson", a point of tangency;

N 41°17'49" E, a distance of 432.69 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson", on the southwest right-of-way line of said State Highway 46, the north corner of herein described tract, at a point on curve of a non-tangent curve;

THENCE: Along and with the southwest right-of-way of said State Highway 46 the following bearings and distances:

Along the arc of a curve to the right, said curve having a radial bearing of S 47°38'28" W, a radius of 2834.93 feet, called 2814.80 by deed, a central angle of 0°20'54", a chord bearing and distance of S 42°11'05" E, 17.23 feet, and an arc distance of 17.23

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feet, to a set ½" iron rod with yellow cap marked "Pape-Dawson", at a point of tangency;

S 42°00'38" E, at a distance of 220.57 feet passing a found ½" iron rod, the east corner of the aforementioned 5.00 acre tract, and continuing for a total of distance 843.16 feet to a Texas Department of Transportation Monument with brass plate and "+", at a point of curvature;

Along the arc of a curve to the left, said curve having a radius of 2342.00 feet, a central angle of 11°31'01", a chord bearing and distance of S 47°46'08" E, 469.97 feet, and an arc distance of 470.76 feet to a Texas Department of Transportation Monument with brass plate and "+", at an east corner of this tract, the cutback to aforementioned F.M. Loop 337, called radius 2341.80 for an arc distance of 470.80 feet;

THENCE: S 02°10'26" W, a distance of 44.04 feet, to the POINT OF BEGINNING and containing 43.71 acres of land, being 21.430 acres in the City of New Braunfels and all in Comal County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.

DATE: September 28, 2007

JOB No.: 9231-07

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**FIELD NOTES
FOR
TRACT 3**

FOR A 0.613 ACRE TRACT OF LAND SITUATED IN COMAL COUNTY TEXAS, AND IN THE CITY OF NEW BRAUNFELS, BEING PART OF THE ANDRES SANCHES SURVEY NO. 286, BEING A PORTION OF THAT CERTAIN 14.74 ACRE TRACT, REMAINDER OF THAT CERTAIN 205.00 ACRE TRACT RECORDED IN DOCUMENT NUMBER 200706031735 OF THE OFFICIAL RECORDS OF COMAL COUNTY, TEXAS; SAID 0.613 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL BEARINGS BEING REFERENCED TO THE NORTH AMERICAN DATUM 1983, TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, USING A COMBINED SCALE FACTOR OF 1.0001700:

COMMENCING, AT A FOUND TXDOT MONUMENT WITH BRASS ON THE NORTHWESTERLY RIGHT OF WAY LINE OF F. M. LOOP 337 (MINIMUM WIDTH 240-FEET), SAID MONUMENT BEING THE ENGINEERS STATION 292+12.0, AND THE BEGINNING OF A CURVE TO THE LEFT;

THENCE, WITH THE SAID NORTHWESTERLY RIGHT OF WAY LINE OF F. M. LOOP 337, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CHORD OF S 45° 00' 32" W, 99.66 FEET, A RADIUS OF 2024.86 FEET AND A CENTRAL ANGLE OF 02° 49' 13", A DISTANCE OF 99.67 FEET, TO A SET ½ INCH IRON ROD WITH BPI CAP FOR THE SOUTHERLY CORNER OF THAT CERTAIN 43.71 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 200706048255 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS;

THENCE, N 55° 59' 15" W, 292.47 FEET, CROSSING SAID 205.00 ACRE TRACT ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF THE PROPOSED OAK RUN PARKWAY, SAME BEING THE SOUTHWESTERLY LINE OF THAT CERTAIN 43.71 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 200706048255 OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, TO A SET ½ INCH IRON ROD WITH BPI CAP FOR THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT;

THENCE, N 55° 59' 15" W, 25.00 FEET, CROSSING SAID 205.00 ACRE TRACT ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF THE PROPOSED OAK RUN PARKWAY, TO A SET ½ INCH IRON ROD WITH BPI CAP FOR THE WESTERLY CORNER OF HEREIN DESCRIBED TRACT;

THENCE, LEAVING THE NORTHEASTERLY RIGHT OF WAY LINE OF THE PROPOSED OAK RUN PARKWAY, AND CROSSING SAID 205.00 ACRE AND INTO SAID REMAINDER 14.74 ACRE TRACT THE FOLLOWING COURSES;

N 34° 00' 45" E, 75.15 FEET, TO A SET ½ INCH IRON ROD WITH BPI CAP FOR THE BEGINNING OF A CURVE TO THE RIGHT;

ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CHORD OF N 48° 25' 38" E, 211.60 FEET, A RADIUS OF 425.00 FEET AND A CENTRAL ANGLE OF 28° 49' 46", A DISTANCE OF 213.85 FEET, TO A SET ½ INCH IRON ROD WITH BPI CAP FOR A REVERSE CURVE TO THE LEFT;

ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CHORD OF N 55° 10' 02"

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E, 100.16 FEET, A RADIUS OF 375.00 FEET AND A CENTRAL ANGLE OF 15° 20' 58", A DISTANCE OF 100.46 FEET, TO A SET ½ INCH IRON ROD WITH BPI CAP;

N 47° 29' 33" E, 441.08 FEET, TO A SET ½ INCH IRON ROD WITH BPI CAP ON THE NORTHEASTERLY LINE OF SAID REMAINDER 14.74 ACRE TRACT, FOR THE NORTHERLY CORNER OF HEREIN DESCRIBED TRACT;

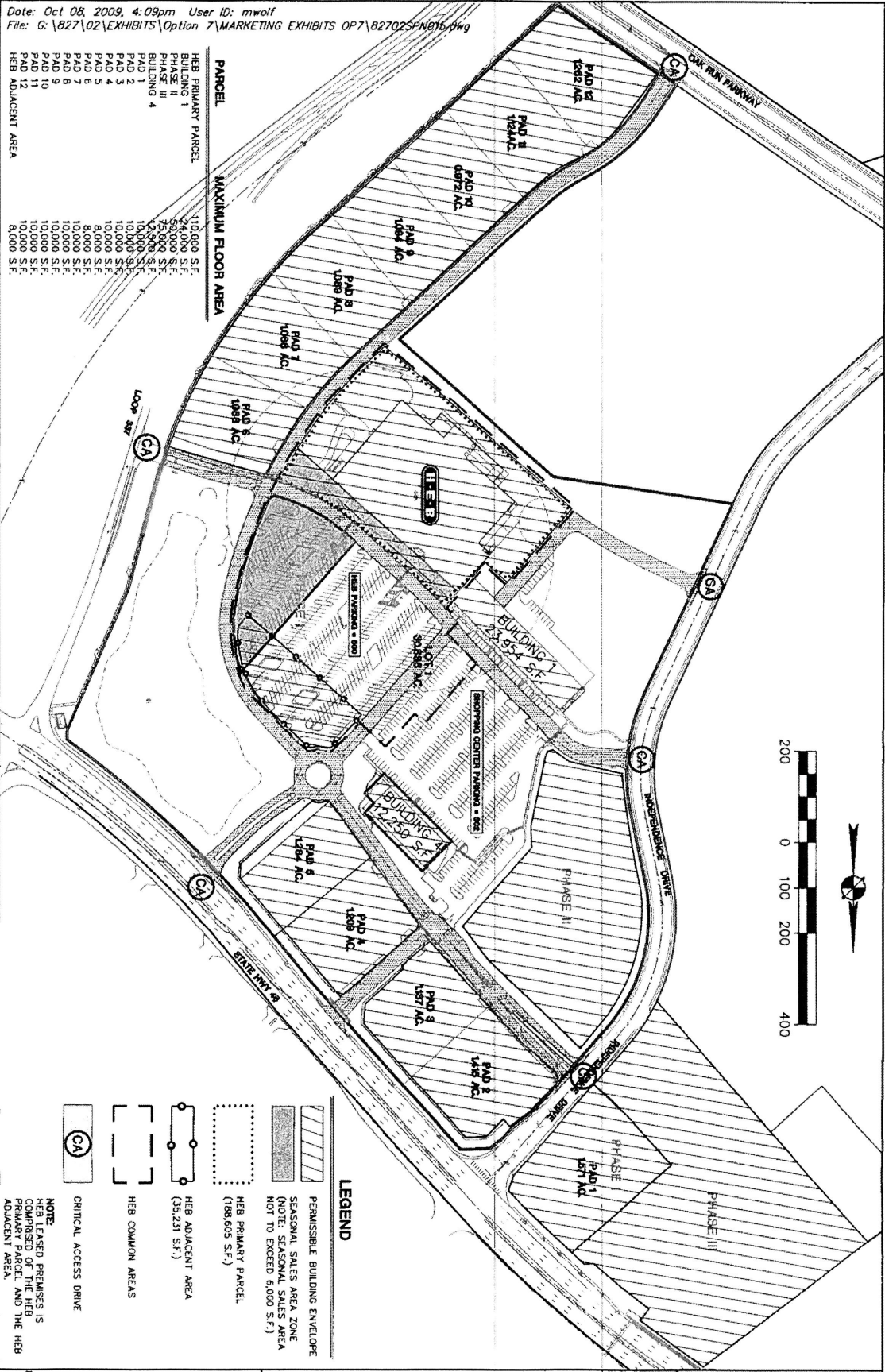
THENCE, S 48° 35' 03" E, 25.14 FEET, ALONG THE NORTHEASTERLY LINE OF SAID REMAINDER 14.74 ACRE TRACT, AND CROSSING SAID 205.00 ACRE TRACT, TO A SET ½ INCH IRON ROD WITH BPI CAP FOR THE EASTERLY CORNER OF SAID REMAINDER 14.74 ACRE TRACT;

THENCE, S 47° 29' 33" W, 821.83 FEET, ALONG THE SOUTHEASTERLY LINE OF SAID REMAINDER 14.74 ACRE TRACT, TO THE **POINT OF BEGINNING**, CONTAINING 0.613 ACRES OF LAND, MORE OR LESS.

NOTE: DISTANCES MAY BE CONVERTED TO GRID BY DIVIDING BY 1.0001700.

Date: Oct 08, 2009, 4:09pm User ID: mwolf
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PARCEL	MAXIMUM FLOOR AREA
HEB PRIMARY PARCEL	110,000 S.F.
BUILDING 1	24,000 S.F.
PHASE II	20,000 S.F.
PHASE III	20,000 S.F.
PHASE IV	20,000 S.F.
PAD 1	10,000 S.F.
PAD 2	10,000 S.F.
PAD 3	10,000 S.F.
PAD 4	10,000 S.F.
PAD 5	10,000 S.F.
PAD 6	10,000 S.F.
PAD 7	10,000 S.F.
PAD 8	10,000 S.F.
PAD 9	10,000 S.F.
PAD 10	10,000 S.F.
PAD 11	10,000 S.F.
PAD 12	10,000 S.F.
HEB ADJACENT AREA	8,000 S.F.



LEGEND

- PERMISSIBLE BUILDING ENVELOPE
- SEASONAL SALES AREA ZONE (NOTE: SEASONAL SALES AREA NOT TO EXCEED 6,000 S.F.)
- HEB PRIMARY PARCEL (186,000 S.F.)
- HEB ADJACENT AREA (35,231 S.F.)
- HEB COMMON AREAS
- CRITICAL ACCESS DRIVE

NOTE:
 HEB LEASED PREMISES IS COMPOSED OF THE HEB PRIMARY PARCEL AND THE HEB ADJACENT AREA.

6/E
NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.



SPECIAL WARRANTY DEED

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THE STATE OF TEXAS
COUNTY OF COMAL

§
§ KNOW ALL MEN BY THESE PRESENTS:
§

THAT THE UNDERSIGNED, **NB Retail, Ltd.**, a Texas limited partnership ("Grantor"), for and in consideration of the sum of TEN DOLLARS (\$10.00) cash, and other good and valuable consideration paid to Grantor by **LPF WestPointe, LLC**, a Delaware limited liability company ("Grantee"), the receipt and sufficiency of which are hereby fully acknowledged and confessed, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY unto Grantee, whose address is in the care of LaSalle Investment Management, Inc., Attention: Jeff Boehning, 200 East Randolph Drive, Chicago, Illinois 60601, all of Grantor's rights, titles, benefits, easements, privileges and interests in and to that certain real property in Comal County, Texas, legally described in Exhibit "A" attached hereto and made part hereof for all purposes (the "Land"), together with all and singular the rights and appurtenances pertaining thereto, including without limitation the improvements constructed thereon, strips or gores, adjacent streets, roads, alleys, rights-of-way, easements, licenses, reservations, privileges, rights of ingress and egress and fixtures (collectively, the "Property").

This conveyance is made and accepted subject to those certain matters set forth on Exhibit "B" attached hereto and made a part hereof for all purposes (the "Permitted Exceptions").

Except for the special warranty of title contained herein, and except as expressly stated in the Earnest Money Contract ("Contract"), dated of even date herewith, between Grantor and Grantee, but subject to the limitations contained in the Contract (the "Express Warranties"), Grantor hereby specifically disclaims any warranty, guaranty, or representation, oral or written; past, present or future, of, as to, or concerning (i) the nature and condition of the Property, including but not by way of limitation, the water, soil, geology and the suitability thereof, and of the Property, for any and all activities and uses which Grantee may elect to conduct thereon, income to be derived therefrom or expenses to be incurred with respect thereto, or any obligations or any other matter or thing relating to or affecting the same; (ii) the manner of construction and condition and state of repair or lack of repair of any improvements located thereon; (iii) the nature and extent of any easement, right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; and (iv) the compliance of the Property or the operation of the Property with any laws, rules, ordinances, or regulations of any government or other body. EXCEPT FOR THE EXPRESS WARRANTIES, IN CONNECTION WITH THE CONVEYANCE OF THE PROPERTY, GRANTOR HAS NOT MADE AND DOES NOT MAKE, ANY REPRESENTATIONS, WARRANTIES OR COVENANTS OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, WITH RESPECT TO THE QUALITY OR CONDITION OF THE PROPERTY, THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT THEREON, COMPLIANCE BY THE PROPERTY WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

2

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, its successors and assigns, forever; and Grantor does hereby bind Grantor and Grantor's successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Land unto Grantee, and Grantee's successors and assigns, against every person whomsoever claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise, subject only to the Permitted Exceptions.

Ad valorem taxes and special assessments, if any, against the Property for the year 2011 have been prorated between Grantor and Grantee as of the date of this Special Warranty Deed.

EXECUTED to be effective the 20th day of December, 2011.

GRANTOR: NB RETAIL, LTD.,
a Texas limited partnership

By: B&O DEVELOPMENT, G.P., L.L.C.
a Texas limited liability company,
its general partner

By: B&O MANAGEMENT COMPANY, LLC,
a Delaware limited liability company,
its Sole Member

By: C. Patrick Oles, Jr.
C. Patrick Oles, Jr.
President

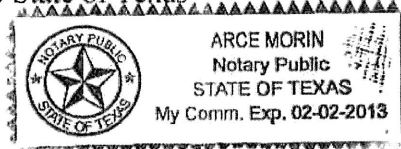
THE STATE OF TEXAS

§
§
§

COUNTY OF ~~TRAVIS~~
Brewer

The foregoing instrument was acknowledged before me on this 21st day of December, 2011, by C. Patrick Oles, Jr., the President of B&O Management Company, L.L.C., the sole member of B&O Development GP, LLC, a Texas limited liability company, the general partner of NB Retail, Ltd., a Texas limited partnership, on behalf of said limited partnership.

Arce Morin
Notary Public in and for
The State of Texas



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EXHIBIT "A"

LEGAL DESCRIPTION

LOTS 1A, 10R AND 11R, BLOCK 1, WESTPOINTE SUBDIVISION, UNIT 2, A SUBDIVISION LOCATED IN COMAL COUNTY, TEXAS, ACCORDING TO THE REPLAT OF WESTPOINTE SUBDIVISION UNIT 2, LOTS 1, 3, 4, 5A, 10 AND 11 ESTABLISHING LOTS 1A, 1B, 1C, 3R, 4R 5, AR, 5BR, 10R AND 11R, RECORDED UNDER COUNTY CLERK'S FILE NO. 201106043085, OF THE MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS.

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception):

Restrictive covenants filed for record in Document No(s). 200706040285, 201006009911, 201006020298, 201006020301, 201006041549, 201106023043, 201106021816 & 201106003561 all of the Official Public Records of Comal County, Texas.

2. Electric Line Right-of-Way Agreement Easement (unlocated) recorded October 21, 1982, in Volume 335, Page 306, of the Official Public Records, Comal County, Texas.
3. Terms, Conditions and Stipulations in the Electric Line Right of Way Agreement, recorded in Document No. 9806001598, Official Public Records, Comal County, Texas.
4. Terms, Conditions and Stipulations in the Electric Line Right of Way Agreement, recorded in Document No. 9806001599, Official Public Records, Comal County, Texas.
5. Terms, Conditions and Stipulations in the Memorandum of Variance, recorded in Document No. 201106003562, Official Public Records, Comal County, Texas.
6. Terms, Conditions, and Stipulations in the Reciprocal Easements, Site Development and Operating Agreement by and between NB Retail, Ltd, a Texas limited partnership and Investor Grosenbacher, a Texas general partnership, recorded on April 24, 2009 in Document No. 200906013753, of the Official Public records, of Comal County, Texas.
7. Terms, Conditions, and Stipulations in Memorandum of Lease Agreement by and between NB Retail, Ltd, a Texas limited partnership (Lessor) and HEB Grocery Company, a Texas limited partnership (Lessee), recorded on 12/04/2009 in Document No. 200906042380, of the Official Public records, of Comal County, Texas.
8. Terms, Conditions, and Stipulations in Memorandum of Lease Agreement by and between NB Retail, Ltd., a limited partnership (Lessor) and Subway Real Estate, LLC, a limited liability company (Lessee), recorded on 6/14/2011 in Document No. 201106020572, of the Official Public records, of Comal County, Texas.
9. Terms, Conditions, and Stipulations in Memorandum of Lease Agreement by and between NB Retail, Ltd., a limited partnership (Lessor) and PDS Texas Dental Services, LLC, a Delaware limited liability company (Lessee), recorded on 6/23/2011 in Document No. 201106021816, of the Official Public records, of Comal County, Texas.
10. Terms, Conditions, and Stipulations in Memorandum of Lease Agreement by and between NB Retail, Ltd., a limited partnership (Lessor) and Whataburger Restruants LP

(Lessee), recorded in Document No. 201006020299, of the Official Public records of Comal County, Texas.

11. Terms, conditions, and Stipulations in Memorandum of Lease Agreement by and between NB Retail, Ltd., a limited partnership (Lessor) and JPMorgan Chase Bank, N.A. (Lessee), recorded in Document No. 201106001926, of the Official Public records of Comal County, Texas.
12. Subject property lies within the jurisdiction of the Edwards Aquifer Protection Plan as evidenced by Deed Recordation Affidavit filed in Document No. 200806031102, 200906036458, 201006042798 & 201106025555, all of the Official Public Records of Comal County, Texas.
13. Rights of tenants, as tenants only, under unrecorded leases or rental agreements, including, but not limited to those reflected by the following UCC Financing Statements recorded under Document Nos. 201106010508, 201106010509, 201106010510, 201106010511, 201106010512, 201106010513, 201106010514, 201106010515, 201106010516, 201106010517 & 201106028102, all of the Official Public Records, Comal County, Texas.
14. 20' Water Easement as set forth in plat recorded under Document No. 201006009911, of the Official Public Records of the map records of Comal County, Texas. (Lot 1A)
15. 20' Wastewater Easement as set forth in plat recorded under Document No. 201006009911, of the Official Public Records of the map records of Comal County, Texas. (Lot 1A)
16. Variable Width Drainage & Utility Easement as set forth in plat recorded under Document No. 201006009911, of the Official Public Records of the map records of Comal County, Texas. (Lot 1A)
17. 40' Ingress/Egress & Utility Easement as set forth in plat recorded under Document No. 201006009911, of the Official Public Records of the map records of Comal County, Texas. (Lot 1A)
18. 20' Utility Easement along Independence Drive as set forth in plat recorded under Document No. 201006009911, of the Official Public Records of the map records of Comal County, Texas. (Lots 1A & 11R)
19. 25' Drainage & Utility Easement as set forth in plat recorded under Document No. 201006009911, of the Official Public Records of the map records of Comal County, Texas. (Lot 1A)
20. 20' Utility Easement as set forth in plat recorded under Document No. 201006009911, of the Official Public Records of the map records of Comal County, Texas. (Lots 10R & 11R)

21. 20' Drainage & Utility Easement as set forth in plat recorded under Document No. 201006009911, of the Official Public Records of the map records of Comal County, Texas. (Lots 10R & 11R)

Filed and Recorded
Official Public Records
Joy Streater, County Clerk
Comal County, Texas
12/27/2011 02:46:54 PM
CASHTHREE
201106044357



Joy Streater

APPLICATION FEE FORM

TCEQ-0574

Application Fee Form

Texas Commission on Environmental Quality

Name of Proposed Regulated Entity: WestPointe Village (HEB Partner Parking)

Regulated Entity Location: 1655 Highway 46 West, New Braunfels, TX 78130

Name of Customer: HEB, LP

Contact Person: Benjamin Scott

Phone: 210-844-5023

Customer Reference Number (if issued): CN 601297963

Regulated Entity Reference Number (if issued): RN 105739023

Austin Regional Office (3373)

☐ Hays

☐ Travis

☐ Williamson

San Antonio Regional Office (3362)

☐ Bexar

☐ Medina

☐ Uvalde

☒ Comal

☐ Kinney

Application fees must be paid by check, certified check, or money order, payable to the **Texas Commission on Environmental Quality**. Your canceled check will serve as your receipt. **This form must be submitted with your fee payment.** This payment is being submitted to:

☐ Austin Regional Office

☒ San Antonio Regional Office

☐ Mailed to: TCEQ - Cashier

☐ Overnight Delivery to: TCEQ - Cashier

Revenues Section

Mail Code 214

P.O. Box 13088

Austin, TX 78711-3088

12100 Park 35 Circle

Building A, 3rd Floor

Austin, TX 78753

(512)239-0357

Site Location (Check All That Apply):

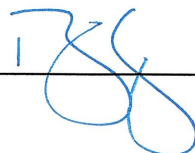
☐ Recharge Zone

☐ Contributing Zone

☐ Transition Zone

<i>Type of Plan</i>	<i>Size</i>	<i>Fee Due</i>
Water Pollution Abatement Plan, Contributing Zone Plan: One Single Family Residential Dwelling	Acres	\$
Water Pollution Abatement Plan, Contributing Zone Plan: Multiple Single Family Residential and Parks	Acres	\$
Water Pollution Abatement Plan, Contributing Zone Plan: Non-residential	37 Acres	\$ 6,500
Sewage Collection System	L.F.	\$
Lift Stations without sewer lines	Acres	\$
Underground or Aboveground Storage Tank Facility	Tanks	\$
Piping System(s)(only)	Each	\$
Exception	Each	\$
Extension of Time	Each	\$

Signature: _____



Date: April 2, 2025

Application Fee Schedule

Texas Commission on Environmental Quality

Edwards Aquifer Protection Program 30 TAC Chapter 213 (effective 05/01/2008)

Water Pollution Abatement Plans and Modifications

Contributing Zone Plans and Modifications

<i>Project</i>	<i>Project Area in Acres</i>	<i>Fee</i>
One Single Family Residential Dwelling	< 5	\$650
Multiple Single Family Residential and Parks	< 5	\$1,500
	5 < 10	\$3,000
	10 < 40	\$4,000
	40 < 100	\$6,500
	100 < 500	\$8,000
	≥ 500	\$10,000
Non-residential (Commercial, industrial, institutional, multi-family residential, schools, and other sites where regulated activities will occur)	< 1	\$3,000
	1 < 5	\$4,000
	5 < 10	\$5,000
	10 < 40	\$6,500
	40 < 100	\$8,000
	≥ 100	\$10,000

Organized Sewage Collection Systems and Modifications

<i>Project</i>	<i>Cost per Linear Foot</i>	<i>Minimum Fee- Maximum Fee</i>
Sewage Collection Systems	\$0.50	\$650 - \$6,500

Underground and Aboveground Storage Tank System Facility Plans and Modifications

<i>Project</i>	<i>Cost per Tank or Piping System</i>	<i>Minimum Fee- Maximum Fee</i>
Underground and Aboveground Storage Tank Facility	\$650	\$650 - \$6,500

Exception Requests

<i>Project</i>	<i>Fee</i>
Exception Request	\$500

Extension of Time Requests

<i>Project</i>	<i>Fee</i>
Extension of Time Request	\$150

Agent Authorization Form
For Required Signature
Edwards Aquifer Protection Program
Relating to 30 TAC Chapter 213
Effective June 1, 1999

I _____ Benjamin Scott _____
Print Name
Applicant

Title - Owner/President/Other
of _____ HEB, LP _____
Corporation/Partnership/Entity Name
have authorized _____ Chad Respondek, P.E. _____
Print Name of Agent/Engineer
of _____ KFM Engineering and Design _____
Print Name of Firm

to represent and act on the behalf of the above named Corporation, Partnership, or Entity for the purpose of preparing and submitting this plan application to the Texas Commission on Environmental Quality (TCEQ) for the review and approval consideration of regulated activities.

I also understand that:

1. The applicant is responsible for compliance with 30 Texas Administrative Code Chapter 213 and any condition of the TCEQ's approval letter. The TCEQ is authorized to assess administrative penalties of up to \$10,000 per day per violation.
2. For those submitting an application who are not the property owner, but who have the right to control and possess the property, additional authorization is required from the owner.
3. Application fees are due and payable at the time the application is submitted. The application fee must be sent to the TCEQ cashier or to the appropriate regional office. The application will not be considered until the correct fee is received by the commission.
4. A notarized copy of the Agent Authorization Form must be provided for the person preparing the application, and this form must accompany the completed application.
5. No person shall commence any regulated activity on the Edwards Aquifer Recharge Zone, Contributing Zone or Transition Zone until the appropriate application for the activity has been filed with and approved by the Executive Director.

SIGNATURE PAGE:

1788
Applicant's Signature

4/3/25
Date

THE STATE OF Texas §

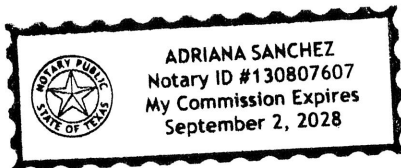
County of Bexar §

BEFORE ME, the undersigned authority, on this day personally appeared Benjamin R. Scott known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 3rd day of April, 2025.

Adriana S
NOTARY PUBLIC

Adriana Sanchez
Typed or Printed Name of Notary



MY COMMISSION EXPIRES: September 2, 2028

CORE DATA FORM

TCEQ-10400



TCEQ Core Data Form

For detailed instructions on completing this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided.)		
<input checked="" type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.)		
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)	<input type="checkbox"/> Other	
2. Customer Reference Number (if issued)	Follow this link to search for CN or RN numbers in Central Registry**	3. Regulated Entity Reference Number (if issued)
CN 604509646		RN 105739023

SECTION II: Customer Information

4. General Customer Information		5. Effective Date for Customer Information Updates (mm/dd/yyyy)			
<input type="checkbox"/> New Customer <input checked="" type="checkbox"/> Update to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership					
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)					
<i>The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).</i>					
6. Customer Legal Name (If an individual, print last name first: eg: Doe, John)				<i>If new Customer, enter previous Customer below:</i>	
LPF WestPointe LLC					
7. TX SOS/CPA Filing Number		8. TX State Tax ID (11 digits)		9. Federal Tax ID (9 digits)	
801522766		32046085422		801522766	
10. DUNS Number (if applicable)					
11. Type of Customer:		<input type="checkbox"/> Corporation		<input type="checkbox"/> Individual	
Government: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> Local <input type="checkbox"/> State <input type="checkbox"/> Other		<input type="checkbox"/> Sole Proprietorship		Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited	
12. Number of Employees		13. Independently Owned and Operated?			
<input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input checked="" type="checkbox"/> 501 and higher		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
14. Customer Role (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check one of the following					
<input type="checkbox"/> Owner <input type="checkbox"/> Operator <input checked="" type="checkbox"/> Owner & Operator <input type="checkbox"/> Other:					
<input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input type="checkbox"/> VCP/BSA Applicant					
15. Mailing Address:		LPF Westpointe, LLC c/o LaSalle Investment Management, Inc			
		100 East Pratt Street, 20 th Floor			
City		Baltimore	State	MD	ZIP
					21202
ZIP + 4		1027			
16. Country Mailing Information (if outside USA)			17. E-Mail Address (if applicable)		

18. Telephone Number	19. Extension or Code	20. Fax Number (if applicable)
(312) 782-5800		(312) 782-4339

SECTION III: Regulated Entity Information

21. General Regulated Entity Information (If 'New Regulated Entity' is selected, a new permit application is also required.)								
<input type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input checked="" type="checkbox"/> Update to Regulated Entity Information								
<i>The Regulated Entity Name submitted may be updated, in order to meet TCEQ Core Data Standards (removal of organizational endings such as Inc, LP, or LLC).</i>								
22. Regulated Entity Name (Enter name of the site where the regulated action is taking place.)								
WestPointe Village (HEB Partner Parking)								
23. Street Address of the Regulated Entity: (No PO Boxes)	1655 TX-46							
	City	New Braunfels	State	TX	ZIP	78130	ZIP + 4	1939
24. County	Comal							

If no Street Address is provided, fields 25-28 are required.

25. Description to Physical Location:									
26. Nearest City					State				Nearest ZIP Code
<i>Latitude/Longitude are required and may be added/updated to meet TCEQ Core Data Standards. (Geocoding of the Physical Address may be used to supply coordinates where none have been provided or to gain accuracy).</i>									
27. Latitude (N) In Decimal:		29.713			28. Longitude (W) In Decimal:		98.160		
Degrees	Minutes	Seconds		Degrees	Minutes	Seconds			
29	42	45.43		98	09	35.93			
29. Primary SIC Code		30. Secondary SIC Code		31. Primary NAICS Code		32. Secondary NAICS Code			
(4 digits)		(4 digits)		(5 or 6 digits)		(5 or 6 digits)			
1542		1629		445110		311811			
33. What is the Primary Business of this entity? (Do not repeat the SIC or NAICS description.)									
Retail Grocery Store									
34. Mailing Address:	200 E Randolph Drive								
	City	Chicago	State	IL	ZIP	60601	ZIP + 4	6436	
35. E-Mail Address:									
36. Telephone Number			37. Extension or Code			38. Fax Number (if applicable)			
(312) 782-5800						(312) 782-4339			

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.


<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input checked="" type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
		WPAP #2873.02		
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
<input type="checkbox"/> Sludge	<input type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input type="checkbox"/> Wastewater	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:

SECTION IV: Preparer Information

40. Name:	Chad Respondek		41. Title:	Vice President
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address	
(210) 844-5023		() -	crespondek@kfm-llc.com	

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	KFM Engineering and Desing	Job Title:	Vie President
Name (In Print):	Chad Respondek	Phone:	(210) 844- 5023
Signature:		Date:	4/1/2025