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TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

May 22, 1997

Mr. W. M. Morris
NBT, Ltd.
130 W Jahn St.
New Braunfels, TX 78130

Re: EDWARDS AQUIFER, Comal County
PROJECT: Bear Creek Hills, Units 4, 5, 6, 7, & 8, Located approximately 2 miles Northwest of the intersection of State Highway 46 and F.M. 2722, New Braunfels, Texas
TYPE: Request for Approval of Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) §313.4; Edwards Aquifer Protection Program

Dear Mr. Morris:

The Texas Natural Resource Conservation Commission (TNRCC) has completed its review of the WPAP application for the referenced project that was submitted by C. B. "Mac" McCoy of Sumac Engineering Services on behalf of NBT, Ltd., to the San Antonio Regional Office on February 18, 1997. The WPAP proposed in the application is in general compliance with 30 TAC § 313.4; therefore, approval of the plan is hereby granted subject to applicable state rules and the conditions in this approval letter. *This approval expires two (2) years from the date of this approval unless, prior to the expiration date, construction has commenced on the project or an extension of time has been requested.*

PROJECT DESCRIPTION

The proposed residential project will have an area of approximately 191 acres and will consist of the development of 26 single family residential tracts, none less than 5 acres in size. Project wastewater for each residence will be treated by a private on-site septic system and be installed only on residential properties equal to or greater than on (1) acre in size. According to a February 11, 1996, letter signed by Tom Hornseth, Comal County Engineer, the land in the development is acceptable for the use of private sewage facilities. The proposed impervious cover for the development is approximately 4.1 acres (2.2%). The site is not located within the City of New Braunfels, and must conform with applicable codes and requirements of the County.

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

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000

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GEOLOGY ON SITE

According to the geologic assessment included with the submittal, there were "no" significant potential recharge features located on the proposed development.

The San Antonio Regional Office site inspection of April 23, 1997, revealed no "significant" potential recharge features during the investigation, however, three (3) abandoned on-site wells were noted on the proposed development. After review of the site TNRCC is in general agreement with the geological assessment included in the submittal.

GEOLOGY DOWNGRADIENT OF SITE

According to the geologic assessment included with the submittal, there was a total of fourteen (14) potential recharge features located downgradient, along three (3) separate drainage paths, from the proposed project.

According to the geologist, the features consisted of solution cavities, vuggy-rock, fractured rock outcroppings, and manmade features. The features ranged in significance from "none" to "high" with respect to their potential to accept surface infiltration.

SPECIAL CONDITIONS

1. If any potential recharge features are encountered during construction, a geologist shall evaluate the significance of the features. The evaluation shall include representative photographs and a description of the feature forwarded to the San Antonio office. Construction in the vicinity of the features may only continue with written approval from the TNRCC.
2. Placement of hydrocarbon or hazardous substance storage facilities regulated pursuant to 313.10 and 313.11, requires submittal of all appropriate applications with appropriate fees and must receive prior approval from the TNRCC.
3. All septic systems installed on this project must be installed on lots larger than one acre. Additionally, each of the systems will be reviewed and must be approved by the local regulation agency prior to installation.

STANDARD CONDITIONS

1. During the course of regulated activities related to this project, the applicant or his agent shall comply with all applicable provisions of 30 TAC Chapter 213, Edwards Aquifer. The applicant shall remain responsible for the provisions and conditions of this approval until such responsibility is legally transferred to another person or entity, upon which that

person or entity shall assume responsibility for all provisions and conditions of this approval.

2. Any modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a WPAP to amend this approval, including the payment of appropriate fees and all information necessary for its review and approval.
3. Prior to commencing any regulated activity, the applicant or his agent must notify the San Antonio Regional Office in writing of the date on which the regulated activity will begin.
4. The applicant or his agent shall record this WPAP approval in the county deed records within 30 days of receiving this notice of approval and prior to commencing any regulated activity at the project location. Proof of deed recordation shall be submitted to the San Antonio Regional Office. A suggested format that you may use to deed record the approved WPAP is enclosed.
5. All contractors conducting regulated activities at the project location shall be provided a copy of this notice of approval. At least one complete copy of the approved WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.
6. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved WPAP, must be installed prior to construction and maintained during construction. Temporary E&S controls may be removed when vegetation is established and the construction area is stabilized. If a water quality pond is proposed, it shall be used as a sedimentation basin during construction. The TNRCC may monitor stormwater discharges from the site to evaluate the adequacy of temporary E&S control measures. Additional controls may be necessary if excessive solids are being discharged from the site.
7. If any significant recharge feature [sensitive feature] is discovered during construction, all regulated activities near the feature must be suspended immediately. The applicant or his agent must immediately notify the San Antonio Regional Office of the discovery of the feature. Regulated activities near the feature may not proceed until the executive director has reviewed and approved the methods proposed to protect the feature and the aquifer from potential adverse impacts to water quality.
8. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the aquifer is protected from potential contamination.

Mr. W. M. Morris
May 22, 1997
Page 4

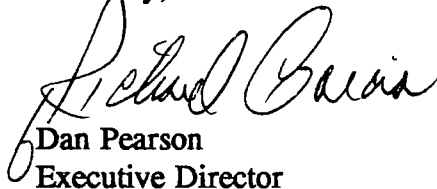
9. Approval of the design of the sewage collection system for this proposed project shall be obtained from the TNRCC prior to commencement of construction of any sewage collection system.
10. Three (3) wells exist on the site. Any abandoned wells shall be plugged in accordance with 30 TAC § 338 or an equivalent method, as approved by the Executive Director.

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

11. Pursuant to §26.136 of the Texas Water Code, any violations of the requirements in 30 TAC §213 may result in administrative penalties.
12. A formal maintenance plan and schedule for all permanent abatement measures shall be signed by the responsible party and submitted to the San Antonio Regional Office for review and possible modification prior to completion of construction. A sample maintenance plan and schedule is enclosed.

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

Sincerely,



Dan Pearson
Executive Director

DP/TG/eg

Enclosure: Deed Recordation Affidavit

cc: C. B. "Mac" McCoy, Sumac Engineering Services, Inc.
Harry Bennett, City of New Braunfels
Clarence Bolner, City of New Braunfels
Mike Shands, City of New Braunfels
Tom Hornseth, Comal County Engineer
Greg Ellis, Edwards Aquifer Authority
TNRCC Field Operations, Austin