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Dan Pearson, *Executive Director*



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

June 30, 1995

Mr. Thomas H. Hornseth, P.E.  
Comal County Engineer  
4931 Hwy 46 W. Ste. 100  
New Braunfels, Tx 78132

Re: Edwards Aquifer, Comal County  
PROJECT: Comal County Justice of the Peace Office, Precinct-3. Project is located on the South side of Bulverde Road, approximately 1.0 miles West of Hwy. 281. Comal County, Texas.  
TYPE: Request for Approval of Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) §313.4; Edwards Aquifer Protection Program.

Dear Mr. Hornseth:

The Texas Natural Resource Conservation Commission (TNRCC) has completed their review of the WPAP application for the referenced project that was submitted by Mr. Thomas H. Hornseth, Comal County Engineer, on behalf of Comal County to the Region 13 Office on June 9, 1995.

### PROJECT DESCRIPTION

The proposed project will consist of developing the 1.0 acre tract into a commercial lot to be served by a public internal street/parking system. The Comal County Justice of the Peace Office #3 is to be developed as a commercial project and will consist of the construction of a 2,500 square foot office building and associated on-site parking. The site is located within Comal County and will be required to conform with applicable codes and requirements of the county. Potable water will be supplied by an adjacent private water well system.

The normal population of the development is estimated to be six (6) permanent employees who will occupy the building primarily between the hours of 7 a.m. to 6 p.m. Approximately 800 gallons per day of domestic wastewater is to be generated by this entire project. It will be disposed of by conveyance to an on-site septic system which shall be designed by a professional engineer or state registered sanitarian and approved by the local regulating authority.

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

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All of the proposed construction and impervious cover for the development lie on the Edwards Recharge Zone and consist of approximately .154 acres or (10.5%), which includes commercial facility roof tops, driveways, and parking area.

#### GEOLOGY ON SITE

According to the geologic assessment included with the submittal, no potential recharge features were identified on the proposed project site.

The Region 13 site inspection of June 20, 1995 revealed no potential recharge features as described in the geological assessment included with the submittal.

#### GEOLOGY DOWN-GRADIENT OF SITE

According to the geologic assessment included with the submittal, a total of six (6) potential recharge features were identified down gradient from the proposed project site. All of the features consisted of closed depressions and ranged in significance from "low" to "moderate" as indicated by the geologist in the submittal.

#### POLLUTION ABATEMENT

##### I. During Construction:

The following measures will be taken to prevent pollution of storm water originating on-site or up-gradient from the project site and potentially flowing across and off the site during construction:

- A. Stabilized construction entrances shall be installed at all sites of ingress and egress prior to initiation of any other regulated activity.
- B. Temporary erosion and sedimentation controls (silt fences and rock berms) shall be installed prior to initiation of any other regulated activity.

##### II. After Construction:

The following measures will be taken to prevent pollution of stormwater originating on-site or up-gradient from the project site and potentially flowing across and off the site after construction:

- A. Silt fencing and rock berms will be maintained until the streets, utilities, and drains are completed.
- B. Vegetative cover shall be installed and be permanently maintained immediately after construction of the proposed

project has been completed.

### III. Recharge Features:

The following measures will be taken to prevent pollutants from entering recharge features while maintaining or enhancing the quantity of water entering the recharge features identified in the geologic assessment.

1. No significant potential recharge features were identified on the proposed project site therefore no special measures will be required.

### APPROVAL

The plan for this project has been reviewed for compliance with 30 TAC §313.4 which sets forth pollution abatement criteria for any development on the recharge zone of the Edwards Aquifer. The proposed water pollution abatement plan is in general agreement with 30 TAC §313.4; therefore, approval of the plan is hereby granted subject to the specific conditions listed below.

**Failure to comply** with any of the following conditions, the deed recordation requirement, or any other specific conditions of approval is a violation of these rules. Pursuant to §26.136 of the Texas Water Code, any violations of the Edwards Aquifer Rules may result in administrative penalties of up to \$10,000 for each act of violation and for each day of violation.

### SPECIAL CONDITIONS

1. Vegetative cover shall be permanently installed and maintained in order to provide the most effective means of filtration for any on-site pollution generated by the project. Additionally, the parking lot shall be graded and constructed in a manner which directs all stormwater runoff generated by the project towards the on-site vegetative filter strip.
2. In the event of on site landscaping the applicant/contractor should be informed in writing about best management practices of pesticide and fertilizer application. The applicant may use What's Bugging You?, A Practical Guide to Pest Control, available from the Edwards Underground Water District (210/222-2204), or equivalent information produced by recognized authorities such as the Soil Conservation Service, Texas Department of Agriculture, U.S. Dept. of Agriculture, etc. The applicant may develop their own educational information (with review by the TNRCC prior to use).

STANDARD CONDITIONS OF APPROVAL

1. Please be reminded that 30 TAC §313.4(c) requires the owner/developer to: (1) record in the county deed records that this property is subject to the approved WPAP; and (2) submit to the Executive Director through the Region 13 Office, within 30 days of receiving this written notice of approval of the water pollution abatement plan and prior to commencing construction, proof of application for recordation of notice in the county deed records. Enclosed is a suggested format you may use to deed record your approved WPAP.
2. Prior to commencing construction, the applicant/agent shall submit to the Region 13 Office copies of any changes made to the plans and specifications for this project which have been required by the TNRCC review and/or all other permitting authorities.
3. **Please note, following this approval of the regulated activities described in the referenced WPAP submittal, any amendment to these activities required by some other regulating authority or desired by the applicant will require the submittal of a WPAP application to amend this approval. And, as indicated in 30 TAC §313.4 and 30 TAC §313.27, an application to amend any approved regulated activity shall include payment of appropriate fees and all information necessary for its review and Executive Director approval.**
4. Additionally, all contractors conducting regulated activities associated with this proposed regulated project shall be provided with copies of this approval letter and the entire contents of the submitted WPAP so as to convey to the contractors the specific conditions of this approval. During the course of these regulated activities, the contractors shall be required to keep on-site copies of the WPAP and this approval letter.
5. The temporary erosion and sedimentation (E&S) controls for the entire project shall be installed prior to beginning any other construction work on this project.

**During residential construction on the individual lots in this development, temporary E&S controls shall be installed. The E&S controls shall be inspected periodically during construction and following any significant rainfall occurrences. Necessary repairs to the E&S controls shall be made as soon as possible.**

6. The appropriate E&S control(s) that shall be used during the construction of the project should be determined as follows:

(1) **Silt fences** should be used when the drainage area is less than 2 acres and the slope is less than 10%. (2) **Rock berms with filtration** should be used when the drainage areas are greater than two acres or when the slopes are in excess of 10%. The bottom edge of the filter fabric must be buried a minimum of 6 inches below grade.

7. The TNRCC may monitor stormwater discharges from the site to evaluate the adequacy of the temporary erosion and sedimentation control measures. Additional protection may be necessary if excessive solids are being discharged from the site.
8. Also, 30 TAC §313.4(d)(2) requires that if any significant recharge features, such as solution openings or sinkholes, are discovered during construction, all regulated activities near the significant recharge feature must be suspended immediately and may not be resumed until the Executive Director has reviewed and approved the methods proposed to protect the aquifer from any potential adverse impacts. Upon discovery of the significant recharge features, the developer shall immediately notify the Region 13 office.
9. Upon completion of the project, the applicant shall reseed or sod all areas disturbed during construction.
10. If any abandoned wells exist on the site or are found during construction of the proposed development, they shall be plugged in accordance with the local underground water conservation district's plugging procedures, if applicable, or 30 TAC §287.50(a) of this title (relating to Standards for Plugging Wells that Penetrate Undesirable Water Zones), or an equivalent method, as approved by the Executive Director.

Pursuant to 30 TAC §287.48(e), the person that plugs such a well shall, within 30 days after plugging is complete, submit a Water Well Completion and Plugging Report to the Executive Director, through the Region 13 Office and to the Edwards Underground Water District.

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

11. No waste-disposal wells, new confined animal feeding operations, land disposal of Class I wastes, or use of sewage holding tanks as parts of organized collection systems shall be allowed on the recharge zone of this regulated development.

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12. During the course of the construction related to the referenced regulated project, the owner/developer shall comply with all applicable provisions of 30 TAC §313.4. Construction which is initiated and abandoned, or not completed, shall be returned to a permanent condition such that groundwater in the Edwards Aquifer is protected from potential contamination. Additionally, **COMAL COUNTY**, applicant, shall remain responsible for the provisions and special conditions of this approval until such responsibility is legally transferred to another person or entity, upon which that person or entity shall assume responsibility for all provisions and specific conditions of this approval.
13. **Pursuant to 30 TAC §313.4(d)(1) and prior to commencing regulated activities, the applicant must provide the Region 13 Office with the date on which the regulated activity will commence.**
14. Please note that 30 TAC §313.4(g) states that this approval expires two years from this date unless, prior to the expiration date, construction has commenced on the regulated project.
15. Approval of the design of the sewage collection system for this proposed subdivision shall be obtained from the Texas Natural Resource Conservation Commission prior to the commencement of construction of any sewage collection system, the design of which shall be in accordance with 30 TAC §313.5 and 30 TAC §317.
16. The developer shall ensure that construction debris, such as but not limited to scrap wood, bricks, paint, adhesives, containers, paper, etc. is disposed of properly at an authorized landfill off of the Edwards Aquifer Recharge Zone.
17. If asphaltic materials such as "seal coat", emulsion or other asphaltic products used for paving, roofing, etc. wash off or leave the project site the developer shall notify the Texas Natural Resource Conservation Commission immediately and commence clean-up.
18. It is recommended that signage be permanently posted and maintained in good condition at each external entrance to and exit from the commercial facility which reminds visitors and patrons they are on the Recharge Zone of the Edwards Aquifer.

If you have any questions or require additional information, please contact a representative of the Edwards Aquifer Protection Program at the Region 13 Office (210) 490-3096.

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Sincerely,



J. Richard Garcia,  
Regional Manager, for

Dan Pearson  
Executive Director

JRG-TCG/tcg

Enclosures

cc: Mr. Thomas H. Hornseth, Comal County Engineer  
Danny Scheel, Comal County Commissioner  
Carter Casteel, Comal County Judge  
Monica Wallace, Comal County Health Dept.  
Edwards Underground Water District  
Thomas Gutierrez, Texas Natural Resource Conservation  
Commission, Region 13 Office  
TNRCC - Central Records