

John Hall, Chairman
Pam Reed, Commissioner
Peggy Garner, Commissioner



TEXAS WATER COMMISSION

PROTECTING TEXANS' HEALTH AND SAFETY BY PREVENTING AND REDUCING POLLUTION

December 4, 1992

Mr. Terry Webb
593 Rock Street
New Braunfels, Texas 78130

Re: Edwards Aquifer, Comal County
PROJECT: Fabian Heights (aka "Oak Bluff Estates"), Located on North Rock Street, on South Side of Intersection With Loop 337, New Braunfels, Texas.
TYPE: Request for Approval of Modification to Water Pollution Abatement Plan (WPAP); 31 Texas Administrative Code (TAC) §313.12; Edwards Aquifer Protection Program.

Dear Mr. Webb:

The Texas Water Commission (TWC) has completed their review of the WPAP application for the referenced project that you submitted to this office on November 25, 1992.

BACKGROUND

The proposed 4.507 acre subdivision is part of a 12.222 acre subdivision known as Oak Bluff Estates which received approval from the Texas Water Commission (TWC) pursuant to 31 TAC §313.4 (Formerly Texas Water Quality Board, Board Order 156.20.05.008) by letter dated February 17, 1982. The original approval was for 60 single-family residences on the 12.222 acres with 28 being on the 4.507 acre tract. During the site inspection by District 8 on November 17, 1992 construction of single-family residences on the 7.715 acres (12.222 - 4.507 acres) was observed. Therefore the original WPAP is valid and a modification for the proposed Fabian Heights Subdivision is required.

PROJECT DESCRIPTION

The proposed Fabian Heights is to be developed as single-family residences and consists of an approximately 4.507 acre tract which will be divided into three (3) single-family residential lots, roadways, and curb and gutter. The site is located within the City of New Braunfels, and will conform with applicable codes and requirements of the City of New Braunfels. Potable water will be supplied by New Braunfels Utilities.

REPLY TO: DISTRICT 8 / 140 HEIMER RD., SUITE 360 / SAN ANTONIO, TEXAS 78232-5042 / AREA CODE 512/490-3096

P.O. Box 13087 • 1700 North Congress Avenue • Austin, Texas 78711-3087 • 512/463-7830

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The normal population of the development is estimated to be about ten (10) persons. 1,000 gallons of domestic wastewater is to be generated by this project. It will be disposed of by conveyance to the existing New Braunfels Wastewater Treatment Plant owned by New Braunfels Utilities.

The proposed impervious cover for the development, approximately 9,500 square feet (4.8%), includes single family dwelling roof tops, driveways, sidewalks, and streets.

Approximately 50 penned chickens and two (2) pair of caged rabbits are to be kept for 4H/FFA projects. Wastes are to be collected and used as garden fertilizer. No other poultry, cattle or swine are proposed.

GEOLOGY ON SITE

A geologic assessment is not required for residential projects of less than 25 single-family residences or living unit equivalents. The District 8 site inspection of November 17, 1992, revealed no potential recharge features on the proposed project site.

POLLUTION ABATEMENT

1. During Construction:

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

- A. Filter fences will be placed as shown on the site plan.
- B. The use of any asphaltic or paving products will not be applied if precipitation is forecast for within 48 hours.

2. 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. Landscaping will be maintained to prevent soil erosion.

APPROVAL

The plan for this project has been reviewed for compliance with 31 TAC §313.4 which sets forth pollution abatement criteria for any

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development on the recharge zone of the Edwards Aquifer. The proposed water pollution abatement plan is in general agreement with 31 TAC §313.4 and 31 TAC §313.12; 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. Filter fences will be placed as shown on the site plan and will remain in place until landscaping for each yard is complete.
2. Animal wastes shall be used as garden fertilizer and shall not accumulate on the property. Any runoff from the animal containment area(s) shall flow across grassed or landscaped land before leaving the property.

Standard Conditions

1. Please be reminded that 31 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; (2) submit to the Executive Director, within 30 days of receiving this written notice of approval of the water pollution abatement plan, proof of application for recordation of notice in the county deed records; and (3) submit to the District 8 Office, prior to commencing construction, proof of application for recordation of notice in the county deed records. Enclosed is a suggested format you may be used to deed record your approved WPAP.
2. Prior to commencing construction, the applicant/agent shall submit to the District 8 Office copies of any changes made to the plans and specifications for this project which have been required by the TWC 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 31 TAC §313.4 and §313.27, an application to amend any approved regulated activity shall include payment of appropriate fees and

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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 at least 4 inches below grade.

7. The TWC 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, 31 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 this 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

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plugging procedures, if applicable, or 31 TAC Section 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 31 TAC Section 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 District 8 Office and to the Edwards Underground Water District.

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

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

12. During the course of the construction related to the referenced regulated project, the owner/developer shall comply with all applicable provisions of 31 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, Mr. Terry Webb, 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 31 TAC §313.4(d)(1) and prior to commencing regulated activities, the applicant must provide the District 8 Office with the date on which the regulated activity will commence.

14. Please note that 31 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 Water Commission prior to the commencement of construction of the sewage collection system, the design of which shall be in accordance with 31 TAC Section 313.5.

During the inspection of November 17, 1992 partial clearing of the property was observed. Clearing is a regulated activity. This regulated activity was conducted without the prior approval of a water pollution abatement plan, as required by Commission rules (31 TAC §313.4). Therefore the applicant is hereby advised that the

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after-the-fact approval of the project, 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 31 TAC §313.14 of Commission rules.

If you have any questions or require additional information, please contact a representative of the Edwards Aquifer Protection Program at the District 8 Office (210) 490-3096.

Sincerely,



Billy H. Boggs,
District Manager for

Jesús Garza
Executive Director

BHB-JKM/jkm

Enclosure

cc: Carter Casteel, County Judge, Comal County
Mike Shands, Director of Planning, City of New Braunfels
Monica M. Wallace, Comal County Office of Environmental Health
Susan Peters, Comal County Subdivision Coordinator,
Russell L. Masters, Edwards Underground Water District
Rob Conti, Edwards Aquifer Coordinator, Texas Water Commission
John Mauser, District 8, Texas Water Commission
TWC - Central Records (with attachment)