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## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

November 29, 1993

Mr. Stanley J. Hummel  
329 Lone Oak Road  
New Braunfels, Texas 78132-2808

Re: **EDWARDS AQUIFER**, Comal County  
PROJECT: Homestead Oaks Subdivision  
TYPE: Water Pollution Abatement Plan (WPAP), 31 Texas  
Administrative Code (TAC), TAC §313.4

Dear Mr. Hummel:

On July 2, 1993 Region 13 of the Texas Natural Resources Conservation Commission (TNRCC) received your petition opposing the above referenced project. Your petition requested denial of any variance to Leonard Hitzfelder for the subject subdivision based on your concern for the Edwards Aquifer.

The Edwards Rules (31 TAC §313.4) define a Regulated Development as:

Regulated development - Any publicly or privately owned site on the recharge zone, on which industrial, commercial, utility, residential, or road construction is planned, or on which is planned a change in intended land use from the status quo to land use with a potential for contaminating waters of the Edwards Aquifer, as determined by the executive director. "Regulated development" does not include residential subdivisions in which every lot is larger than five (5) acres and no more than one single-family residence is located on each lot.

Construction Standards For On-Site Sewerage Facilities (25 TAC §301.18(e)(G)(2) state:

Minimum lot sizes: Each lot or tract of land on the recharge zone on which on-site sewage facilities are to be located must have an area of at least one acre (43,560 square feet) per living unit.

On September 20, 1993 Region 13 received the WPAP application for Homestead Oaks Subdivision from Mr. Hitzfelder. The application states that the project will have 24 single-family residences located on 26 acres. This configuration meets the minimum lot size requirement of one (1) acre for each residence.

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An additional requirement for single-family residential subdivisions using septic tanks for wastewater disposal is that the county sanitarian provide a statement that the land is suitable for the use of a septic tank or identify areas that are not suitable. The Comal County Sanitarian has provided a letter dated August 31, 1993 which states:

Each lot shall be required to have a design layout performed by a registered sanitarian or a registered professional engineer including soil description and soil percolation rate. Measurements and distances from all private water wells, property lines, etc., as required, shall be met.

This statement indicates that all lots in the proposed subdivision have some areas suitable for installation of a septic tank but that each lot must have a site-specific system designed for it.

As presented Homestead Oaks Subdivision is compliant with applicable provisions of the Edwards Aquifer Protection Rules. No "variance" or exception was requested by the developer and the TNRCC has no basis for denial of this project. A copy of the approval letter is attached. If you have any questions please contact John Mauser at this San Antonio office, 210/490-3096.

Sincerely,



J. Richard Garcia,  
Regional Manager

JRG-JKM/jkm

cc: Tom Hornseth - Comal County Engineer  
Monica Wallace - Comal County Sanitarian  
EUWD