

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Margaret Hoffman, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 24, 2003

Mr. Tom Hornseth, P.E., County Engineer
Comal County
195 David Jonas Drive
New Braunfels, Texas 78132

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: Ammann Road Construction; Located on Ammann Road approximately one mile west of Blanco Road; Comal County, 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 File No. 2054.00, Regulated Entity No. RN 102 835 006

Dear Mr. Hornseth:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP application for the referenced project submitted to the San Antonio Regional Office by Robert Boyd, P.E. of the Comal County Engineer's Office on behalf of Comal County on August 22, 2003. Final review of the WPAP submittal was completed after additional material was received on October 21, 2003. 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 20 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 subject road was constructed on the Edwards Aquifer Recharge Zone without prior approval from the TCEQ. This WPAP application was submitted to satisfy the technical requirements of the associated enforcement case.

PROJECT DESCRIPTION

The constructed road project has an area of approximately 3.31 acres (1803' long by 80' wide, with 22' wide pavement). The impervious cover will be 0.91 acres (27.5 percent). No wastewater is generated by this project.

PERMANENT POLLUTION ABATEMENT MEASURES

The road has a center crown which directs stormwater runoff to a 1.28 acre vegetated filter strip on the north side of the road, and to a 1.15 acre vegetated filter strip on the south side of the road.

The vegetative filter strips are designed in accordance with the 1999 edition of the TNRCC's "Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices." The filter strip will:

1. be contiguous with developed area,
2. be at the same elevation as the developed area,
3. have a level spreading device, and
4. be sized to filter stormwater run-off from 0.91 acres of impervious cover.

GEOLOGY

An exception was requested for the TCEQ to accept a geologic assessment prepared in 1992/1993 and submitted with the WPAP application for Hidden Oaks Unit 3 Roadway on March 30, 1993. Approximately one half of the Ammann Road project site is included in the Hidden Oaks Unit 3 Roadway geologic assessment. On October 21, 2003, additional information was received supporting the requested exception. The additional justification provided was that since the road was constructed over two years ago, this small site (two 30' wide grassed areas, and 20' of pavement, 1803' long) has been inspected by the county engineer and assistant county engineer, road construction crews, road maintenance crews, is checked weekly for accumulation of debris and trash, monthly for vegetation growth in excess of 18 inches, quarterly for accumulated silts, annually for vegetation coverage, and after each rainfall to observe drainage under the road. During these visits, no geologic features have been observed, and no geologic changes have occurred in the area.

The San Antonio Regional Office conducted a site investigation on July 31, 2002, which resulted in a recommendation for enforcement. A separate site investigation was not conducted for the review of this application.

SPECIAL CONDITIONS

1. The request for exception to providing a geologic assessment is granted.
2. Standard Condition #2 listed below (deed recordation) is not required for roads.

STANDARD CONDITIONS

1. Pursuant to §26.136 of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.

Prior to Commencement of Construction:

2. 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

Mr. Tom Hornseth

October 24, 2003

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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.

3. 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.
4. 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.
5. 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 file 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.
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 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.
7. 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:

8. 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.
9. 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 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.

Mr. Tom Hornseth

October 24, 2003

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10. No wells exist on the 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.
11. 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.
12. 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.
13. 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:

14. 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.
15. 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.
16. 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.
17. 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. Tom Hornseth

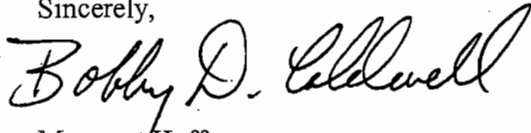
October 24, 2003

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18. 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 John Mauser of the Edwards Aquifer Protection Program of the San Antonio Regional Office at 210/403-4024.

Sincerely,



for Margaret Hoffman
Executive Director
Texas Commission on Environmental Quality

MH/JKM/eg

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

cc: Mr. Greg Ellis, Edwards Aquifer Authority
TCEQ Central Records, MC 212

Texas Water Commission

INTEROFFICE MEMORANDUM

OCT 12 1992

DISTRICT 8

To: John Mauser, Program Date: October 8, 1992
Coordinator (Edwards Aquifer), District 8

Thru: David Mears, Senior Attorney *DM*
Mark Jordan, Assistant Director *uj*

From: Laura Ray, Staff Attorney, *LR*
Legal Division

Subject: Exemption for Edwards Aquifer Rules For: _____
{name of development}

A request has been made by the Texas Veterans Land Board (the "Board") for an exemption from the Edwards Aquifer Rules, 31 TAC §313.1 et. seq. The Texas Water Commission ("Commission") rules, 31 TAC §313.2 and §313.3, require that a water pollution abatement plan ("W.P.A.P.") be submitted for developments in the Edwards Aquifer recharge zone. Section 313.3 excludes from regulation residential developments where every lot is five acres or more, with only one single family residence on each lot. This exemption demonstrates that the rules are designed to protect the Edwards Aquifer from the effects of increased housing density.

The Board has purchased _____ {name of the property} consisting of _____ {number of} acres, located in _____ {name of} county to be developed by _____ {developer if different from TVLB}, for sale in five-plus-acre tracts to Texas Veterans. When the Board sells these lots it includes in its sales agreement a clause stating that, should the veteran wish to sever out a one-acre tract for the purpose of building a homestead before the property is paid for, he could do this free of liens. The Board's intent is for the veteran to eventually own the entire five-plus-acre tract, containing only the veteran's single-family residence. The conveyance of the one-acre tract under the Board's plan is not intended to increase housing density. Rather, it is to afford a veteran the opportunity to build and own a home, and to enjoy the five-plus-acre lot prior to the time the loan is paid off.

Yet, severance of these one-acre parcels, without an exemption, will constitute a resubdivision. This would result in the Board's having to file a W.P.A.P. when the veteran severs out a one-acre homestead, even though no additional building is planned for the remaining four acres. To require the submission of a water pollution abatement plan at the time of severance, when the intent of the Board's plan is not to increase the housing density to that greater than one single-family residence per five-plus-acre-lot,

Attachment II

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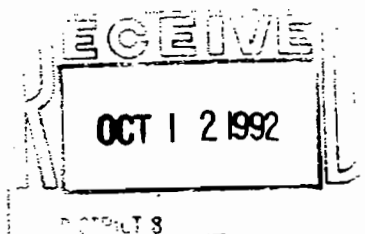
would work an unnecessary hardship and waste regulatory resources, without adding appreciable protection of the Edwards Aquifer. An exemption from the rules would allow the board to sever these one-acre tracts of land out of five-plus-acre original lots to create homesteads, without needlessly subjecting the resubdivided acreage to the W.P.A.P. requirement.

Subsequent transactions, such as foreclosure or resale of the tract, would most likely cause the density of single-family residences to become greater than one for every five-acres. This should cause the development to come under the requirement for a W.P.A.P..

Under §313.12, the Executive Director of the Commission can allow an exemption from the W.P.A.P requirement if he finds that equivalent protection to the Edwards Aquifer can be provided. Therefore, an exemption is hereby granted to the Board for _____ {name of property}, consisting of _____ {# of} acres, located in _____ {name of} county to be developed by _____ {name of developer if different than the TVLB} subject to the following conditions:

1. The exemption to the requirement of filing a water pollution abatement plan does not run with the land:
 - a. Upon subsequent sale of the four acres by foreclosure or otherwise, and prior to the actual start of any proposed regulated development on any portion of the four-plus-acres; a water pollution abatement plan must be submitted to and approved by the Commission's Executive Director.
 - b. If at any time development occurs on the one-acre tract in addition to a single-family residence constructed by the veteran, a water pollution abatement plan must be submitted. (The foreclosure of the four-plus-acres would not subject the remaining one-acre tract to the rules unless, at the time of foreclosure or resale, regulated development of the one-acre tract had occurred); None of these events, however, would require a water pollution abatement plan to be filed for the entire _____ {name of development} development.
2. Notice of this conditional exemption must be provided by the Board to the purchasers of each lot severed to create a homestead pursuant to the Board's conveyance and financing contract. Additionally, such notice shall be provided in the sales contract for the remaining four-plus acres if such acreage is reconveyed. The notice shall be in the form attached.

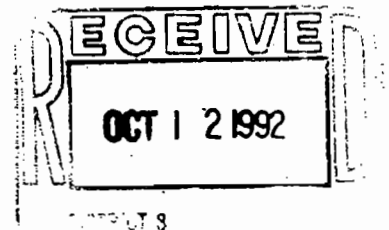
Attachment II 2
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3. An affidavit in the form attached, stating that the notice requirements have been fulfilled, must be submitted to the Executive Director by a representative of the Land Board prior to conveyance of the one-acre tract, and recorded in the county deed records. Copies of proof of recordation and applicable maps and plats identifying the affected lots shall be submitted to the Commission's District 8 office in San Antonio within twenty (20) days of severance of the one-acre tract.
4. This exemption is revocable for failure to comply with its terms or conditions, or upon the development of a situation which poses a substantial risk of pollution to the Edwards Aquifer.

If you have any questions please contact {attorney's name} of the Commissions Legal Staff at 463-8069 or Rob Conti of the Commission's Edwards Aquifer Protection Unit, at 463-8947.

Attachment II
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**NOTICE OF TEXAS WATER COMMISSION
EXEMPTION FROM EDWARDS AQUIFER RULES**

Rules of the Texas Water Commission ("Commission") contained under 31 TEX. ADMIN. CODE §§313.1 et seq. (WEST 1988), commonly known as the Edwards Aquifer Rules, require a water pollution abatement plan ("W.P.A.P") to be submitted to and approved by the Commission prior to the construction of any regulated development in a residential subdivision located in the Edwards Aquifer Recharge Zone (as officially delineated by the Commission) unless every lot in such subdivision is larger than five (5) acres, with no more than one single-family residence allowed on each lot.

The Texas Veterans Land Board ("Land Board") has purchased lots in the _____ {name of development}, _____ {name of} county of _____ {number of acres per lot} for sale to Texas Veterans. In its sales agreement, the Land Board has provided that if the veteran wishes to build a single-family residence on the lot before the loan is paid off, the Land Board will deed a one-acre tract out of the lot, for that purpose, free and clear of any lien. The county commissioners court of _____ county {the county the property is located in} may determine that this severance of the one-acre tract constitutes a resubdivision of the lot, requiring the Commissioners Court's approval and recordation of the subdivision with the county deed records.

In such event, such resubdivision of the lot would ordinarily require the filing of a W.P.A.P., according to the Commission's rules.

However, since the Land Board's plan is not intended to increase the density of single-family residences to more than one per five acres, the Executive Director of the Texas Water Commission has granted a conditional exemption from such requirement for construction of a single family residence by the original owner of the five-plus-acre tract on the severed one-acre lot, effective _____, {give date}, pursuant to 31 TEX. ADMIN. CODE § 313.12 (WEST 1990). Such conditional exemption provides that when the Land Board deeds a one-acre tract from a lot of five acres or greater and contained within the _____ {name of subdivision}, _____ county {county its located in}, to a veteran purchaser for the purpose of building a single-family residence on that one-acre tract, and where the veteran continues to purchase the remainder of the lot pursuant to a contract of purchase and sale with the Land Board, the veteran may build such residence without first having to submit and obtain approval of a W.P.A.P. in accordance with the Edwards Aquifer Rules.

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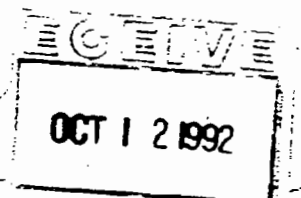
OCT 12 1992

However, upon reconveyance of any or all the remainder of the lot to a person(s) different from the person owning the one-acre tract, the purchasers of any of the remaining acreage shall comply with 31 T.A.C. §313.12 before taking any action to develop it. Additionally, any development on the one-acre tract after reconveyance of the four-plus-acres, including construction of a single-family residence, shall require the filing of a W.P.A.P., in accordance with the Edwards Aquifer Rules. Finally, any construction or development on the one-acre tract beyond the single family residence shall require the filing of a W.P.A.P., subject to the Rules.

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Attachment II
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2




Texas Natural Resource Conservation Commission

INTEROFFICE MEMORANDUM

To: Lemarcus Johnson Date: 5/23/95
Water Programs Manager
Field Operations Division

Thru:  J. Richard Garcia, Region 13 Manager
Bobby Caldwell, Region 13 Water Programs Manager

From:  John Mauser, Region 13 Edwards Aquifer Protection Program

Subject: EDWARDS AQUIFER
PROJECT: Texas Veteran's Land Board Developments
TYPE: Water Pollution Abatement Plan (WPAP), 30 TAC §313.4

A WPAP is required for all single-family residential subdivisions in which every lot is less than or equal to five (5) acres and no more than one single-family residence is located on each lot. The Texas Veteran's Land Board (TVLB) received an exception to the requirements of a Water Pollution Abatement Plan (WPAP) for the Eden Ranch Subdivision, Comal County, by letter dated July 6, 1989 (Attachment I). The TNRCC's July 6, 1989 exception to the TVLB allowed for subdividing 5-acre tracts into a one (1) acre tract owned by the veteran and the remaining 4 acres held by the TVLB until the veteran's loan was paid.

Since then the TVLB has used the July 6, 1989 Eden Ranch approval letter for other TVLB subdivisions. The subdivisions known to the San Antonio Regional Office are listed in the table below.

Subdivisions Developed Under Texas Veteran's Land Board Guidelines on Edwards Aquifer Recharge Zone	
Subdivision	County
Amman Oaks Hidden Oaks Monier Ranch Naked Indian Reservation Oak Valley Weissner Ranch	Comal
Summer Mountain Valley View Ranch	Hays

In 1992 the TNRCC's Legal Division determined that each subdivision developed under TVLB guidelines would be required to submit a request for exception to the TNRCC (Attachment II). By Interoffice Memorandum dated May 24, 1993 (Attachment III) Region 13 requested the acting Edwards Aquifer Program Coordinator to determine and execute the appropriate protocol for informing the TVLB program administrator of this TNRCC requirement. To date no verification has been received.

Effective March 21, 1990, and pursuant to 30 TAC §313.3, the definition of "Regulated Activity" includes roads and highways:

Regulated activity - Any construction-related activity on the recharge zone of the Edwards Aquifer, such as, but not limited to: construction of buildings, utility stations, roads, highways, or railroads; clearing, excavation or any other activities which alter or disturb the topographic, geologic, or existing recharge characteristics of a site; or any other activities which may pose a potential for contaminating the Edwards Aquifer.... "Regulated activity" does not include:...

- (E) routine maintenance of existing structures that does not involve additional site disturbance, such as; resurfacing of roads, parking lots, sidewalks, or other development-related impervious surfaces; fence building, or other similar activities in which there is little or no potential for contaminating groundwater, and/or there is little or no change to the topographic, geologic, or existing recharge features.

Based on the October 8, 1992 clarification (Attachment II) and current rules, an exception to the WPAP may be granted on a case by case basis. However, construction of roads, excluding driveways, is a regulated activity requiring an application (Attachment IV) for approval consideration from the TNRCC.

Please determine and execute the appropriate protocol for informing the TVLB program administrator of this TNRCC requirement.

Attachments

cc: Patty Reeh - TNRCC, Austin Regional Office
Mary Gordon Spence - TNRCC, Office of Ombudsman

In 1992 the TNRCC's Legal Division determined that each subdivision developed under TVLB guidelines would be required to submit a request for exception to the TNRCC (Attachment II). By Interoffice Memorandum dated May 24, 1993 (Attachment III) Region 13 requested the acting Edwards Aquifer Program Coordinator to determine and execute the appropriate protocol for informing the TVLB program administrator of this TNRCC requirement. To date no verification has been received.

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(E) routine maintenance of existing structures that does not involve additional site disturbance, such as; resurfacing of roads, parking lots, sidewalks, or other development-related impervious surfaces; fence building, or other similar activities in which there is little or no potential for contaminating groundwater, and/or there is little or no change to the topographic, geologic, or existing recharge features.

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Please determine and execute the appropriate protocol for informing the TVLB program administrator of this TNRCC requirement.

Attachments

cc: Patty Reeh - TNRCC, Austin Regional Office
Mary Gordon Spence - TNRCC, Office of Ombudsman

Texas Water Commission

INTEROFFICE MEMORANDUM

TO : Hank Smith, Edwards Aquifer Program Coord. DATE: 5/24/93
Watershed Management Division

THRU :

FROM : *JKM*
John K. Mauser, EQS IV
District 8, San Antonio

SUBJECT: **EDWARDS AQUIFER**

PROJECT: Subdivisions Developed Under Texas Veterans Land Board (TVLB) Guidelines On Edwards Aquifer Recharge Zone

TYPE: Exemptions, 31 TAC 313.9

On July 6, 1989 the Texas Water Commission (TWC) issued the attached letter granting conditional exemption to the Eden Ranch Subdivision from the requirements of water pollution abatement plans (WPAP) for construction of regulated activities/developments on the Recharge Zone of the Edwards Aquifer. The document was written for TVLB development of the Eden Ranch Subdivision. District 8 has received TVLB severance deeds from individuals owning individual lots within the subdivisions listed below with the conditional exemption for Eden Ranch attached.

Subdivision	County
Ammann Oaks - Unit 3	Comal
Hidden Oaks	Comal
Monier Ranch	Comal
Naked Indian Reservation	Comal
Oak Valley Estates	Comal
Weisner Ranch	Comal
Summer Mountain Ranch	Hays
Valley View Ranch	Hays

On June 1, 1992 I requested Kevin McCalla of the TWC's Legal Division to evaluate the TVLB's use of the TWC's June 6, 1989 exemption of Eden Ranch at other TVLB subdivisions. By memorandum dated October 8, 1992 Laura Ray of the Legal Division sent the attached response which indicates that each subdivision developed under TVLB guidelines will be required to submit a request for exception to the TWC. The exception should at least include an outline of the proposed subdivision on a copy of an official Edwards Aquifer Recharge Zone map.

Attachment III

Page 1 Of 2

Mr. Hank Smith
Page 2
May 24, 1993

Please determine and execute the appropriate protocol for informing the program administrator, Mr. David A. Glorier, Deputy Commissioner, Veteran's Land Board, of this TWC requirement. His address is listed below.

Mr. David A. Glorier
Deputy Commissioner
Veteran's Land Board
General Land Office
Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78701

Attachment

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Attachment III
Page 2 Of 2

WATER POLLUTION ABATEMENT PLAN APPLICATION
FOR CONSTRUCTION OF
HIGHWAYS, ROADS & STREETS NOT ASSOCIATED
WITH OTHER REGULATED ACTIVITIES/DEVELOPMENTS
ON THE EDWARDS AQUIFER RECHARGE ZONE
AND RELATING TO 31 TAC §313.4 EFFECTIVE MARCH 21, 1990

EDWARDS AQUIFER, _____ **County**

PROJECT NAME: _____

TYPE: **ROAD CONSTRUCTION Water Pollution Abatement Plan**
 (WPAP), 30 Texas Administrative Code (TAC) 313.4

Do not write in this box. TNRCC use only.	
Received by Region (Day 1)	
Fee Due:	\$
Payment Verified	
Inspection Date:	
Judged administratively ____ Complete ____ Incomplete (Day 60)	
Written Comments Received From City/County: UWCD within 30 Days:	____ Yes ____ No ____ Yes ____ No
____ Approved (Day 150) ____ Incomplete & Returned	

Attach any narrative answers directly behind this page.

2/1/94

Page 1

Attachment III
Page 1 Of 11

By definition, "Regulated Activity" does not include, in part, "...resurfacing of roads, parking lots, sidewalks, or other development-related impervious surfaces....and/or there is little or no change to the topographic, geologic, or existing recharge features."

I. A ROAD CONSTRUCTION WPAP is required if your proposed road is a:

1. TXDOT road project.
2. County road or roads built to county specifications.
3. City thoroughfare or roads to be dedicated to a municipality.
4. Street or road providing access to private driveways.

Roads constructed as part of an associated development which requires its own WPAP should be included in the WPAP for that development, for example: roads within residential subdivisions.

II. Modifications to existing roadways requiring prior approval from the TNRCC include:

1. Widening roads/adding shoulders totaling $\geq \frac{1}{2}$ the width of one (1) existing lane.
2. Reconstruction of existing regulated roadways.

III. Modifications to existing roadways that do not require approval from the TNRCC are limited to:

1. Resurfacing of roads.
2. Resurfacing of parking lots.

TO BE REVISED

Attach any narrative answers directly behind this page.

2/1/94

Page 2

Attachment IV

Page 2 Of 11

Do not write in shaded areas. For TNRCC use only.

SB NA

SB = Submitted NA = Not Applicable

After 1/1/95 contact the appropriate regional office of the Texas Natural Resource Conservation Commission to obtain the latest version of this ROAD WPAP APPLICATION.

1. Enter Site Address (if assigned), County, City:

City: _____
County: _____

_____ This project is inside the city limits of the City of _____

_____ This project is outside the city limits but inside the City of _____ ETJ (extra-territorial jurisdiction).

_____ This project is outside the city limits, outside the city's ETJ but in _____ County.

2. The location of the project site is described below (Example: "NE corner of Bitters & Heimer Roads", "On east side of Heimer Road, 1/4 mile north of Bitters Road").

3. Applicant:

Contact Person: _____

Entity: _____

Mailing Address _____

City, State: _____

Zip: _____

Telephone: _____

Attach any narrative answers directly behind this page.

2/1/94

Page 3

Attachment IV

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4. Agent (If any):

Contact Person: _____

Entity: _____

Mailing Address: _____

City, State: _____

Zip: _____

Telephone: _____

5. The name of person or entity who will maintain any permanent sedimentation/filtration structures is listed below.

Contact Person: _____

Entity: _____

Mailing Address: _____

City, State: _____

Zip: _____

Telephone: _____

6. Check the name of the Underground Water Conservation District in the area (if one exists).

_____ Barton Springs/Edwards Aquifer

_____ Edwards Underground

_____ Medina County

_____ Uvalde County

_____ Site is not within an UWCD

7. A Road Map is attached behind this sheet showing location of project site and route/mileage from an existing known site or intersection.

8. A copy of the official 7½ minute USGS quadrangle map(s) of the Edwards Recharge Zone is attached behind this sheet. The map(s) should clearly show:

1. Project site.
2. USGS Quadrangle Name(s),
3. Boundaries of the Recharge Zone (and Transition Zone, if applicable),
4. Drainage path from the project to the boundary of the Recharge Zone.

Attach any narrative answers directly behind this page.

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9. The type of project is:

- ☐ 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.

Type of pavement or road surface to be used in this project is:

- ☐ Concrete
☐ Asphalt cement
☐ Other: _____

Length of R.O.W.:..... feet.

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

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

Fee Due: \$_____ (Max: \$2000)

Length of Pavement:.... feet.

Width of Pavement:.... feet.

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

(Pavement ÷ R.O.W.) x 100 = _____ % impervious cover.

A narrative description of the proposed project is given on the following page under "ITEM #9". It includes the maximum number of vehicles the road is designed to carry per day.

10. The existing conditions on project site are noted below.

The proposed road(s) will cross:

- ☐ Existing commercial sites
☐ Existing industrial sites
☐ Existing residential sites
☐ Existing paved roads
☐ Existing unpaved roads
☐ Undeveloped (Cleared)
☐ Undeveloped (With woods & meadows)
☐ Other: _____

Attach any narrative answers directly behind this page.

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11. Municipal solid waste, and/or hazardous waste:

- There are areas of trash, debris or other municipal solid waste or hazardous waste on this property which will be disposed of properly at an authorized landfill prior to commencing construction.
- There are no areas of trash, debris or other municipal solid waste or hazardous waste existing on this property.
- Other Comments. (Described on following page under "ITEM #11"):

12. Wastewater to be generated by proposed project [30 TAC §313.4(b)(A)(ii)].

- Once complete there will be no wastewater generated by this project (from rest stops, etc.).
- On-site septic tanks will be used to treat and dispose of wastewater. The appropriate licensing authority's letter is attached directly behind this page. It states that the land is suitable for the use of a septic tank or identifies areas that are not suitable.

Furthermore, I am aware that the minimum lot size for a septic tank on the Recharge Zone is one (1) acre. Each lot in this project/development is at least one (1) acre in size and the on-site treatment facility will be designed and installed by a licensed sanitarian or engineer.

An organized sewage collection system (SCS) will convey wastewater from this project off of the Recharge Zone for treatment and disposal at the EXISTING/ PROPOSED (circle one) _____
Sewage Treatment Plant (S.T.P.).

Furthermore, I am aware that an on-site sewage collection system application is required by 30 TAC 313.5 and must be submitted to the TNRCC for review and approval consideration.

Attach any narrative answers directly behind this page.

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Wastewater to be generated by each reststop	
Character	Volume
_____ % Domestic	_____ gallons/day
_____ % Industrial	_____ gallons/day
_____ % Commingled	_____ gallons/day
TOTAL	_____ gallons/day

13. A Geologic Assessment is required for all:

1. New TXDOT road project.
2. New county road or roads built to county specifications.
3. New city thoroughfare or road to be dedicated to a municipality.
4. New streets or roads which provides access to private driveways and are not part of another regulated activity or development **AND** will carry more than 1,500 vehicles per day. A geologic assessment for streets or roads designed to carry less than 1,500 vehicles per day is not required.

_____ The Geologic Assessment for the proposed project includes the R.O.W. and all drainage draws for a distance of one mile downgradient of the proposed roadway. The Geologic Assessment is attached and it answers all questions on the most current form provided by the TNRCC.

_____ This project is a street or road which provides access to private driveways and is designed to carry less than 1,500 vehicles per day, and a Geologic Assessment is not required.

_____ Other comments: (Include on following page under "ITEM #13"):

14. A Site Plan is required. It shall have a minimum scale of 1" = 400'. For road projects exceeding 5 miles the scale of 1" = 2000' may be used for the site plan, and the geologic map scale is not to exceed 1" = 400'.

Site Plan Scale: 1" = _____ feet.

15. The Site Plan shall include the following:

15A. 100-year floodplain's boundaries which are within the site and 200 feet downgradient.

Attach any narrative answers directly behind this page.

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____ Based on FIRM maps (Flood Insurance Rate Maps) less than 10 years old **some part(s)** of this project is located within the 100-year floodplain and is **labeled** on the site plan.

____ Based on a site specific engineering study performed by _____ Engineering Company in _____ (Year) **some part** of this project is located within the 100-year floodplain and is **labeled** on the site plan.

____ Based on FIRM maps less than 10 years old **no part** of this project is located within the 100-year floodplain.

____ Based on a site specific engineering study performed by _____ Engineering Company in _____ (Year) **no part** of this project is located within the 100-year floodplain.

☒ 15B. ____ Layout of the roadway(s) is shown on the site plan.

☒ 15C. ____ Existing topographic contours are shown on the site plan. The contour interval is _____ feet (are not greater than 5 feet). The contour lines are clearly **labeled** on the site plan.

☒ 15D. ____ Finished topographic contours are shown on the site plan. The contour interval is _____ feet (are not greater than 5 feet). The contour lines are clearly **labeled** on the site plan.

____ Finished topographic contours will **not** be changed from the existing topographic configuration and are not shown on the site plan.

☒ 15E. The locations of all known wells (oil, water, unplugged, capped and/or abandoned, test holes, etc.).

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

____ (#) wells are present on the project site and their locations are **labeled** on the Site Plan.

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

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

Attach any narrative answers directly behind this page.

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____ The wells are in use and comply with 30 TAC §287.50(a).

■ ■ 15F. Significant Recharge features (SRF) which are located within the development or within 200 feet downgradient of the site and in the 5 year floodplain.

____ 1. All recharge features identified in the Geologic Assessment on the project site as being of "low", "moderate", or "high" significance are labeled on the site plan, and

____ 2. All potential recharge features identified in the Geologic Assessment within one (1) mile downgradient of the project site are labeled on the Downgradient Geologic Map.

____ According to the Geologic Assessment prepared for this project there are no potential recharge features on this project site or within one (1) mile downgradient of the project site.

____ This project is a road or street designed to carry less than 1,500 vehicles per day and a geologic assessment is not required.

16. Other Information:

■ ■ 16A. Will there be any temporary hydrocarbons or hazardous substance storage associated with this project?

____ Yes and I am aware that a separate application for Aboveground or Underground hydrocarbon or hazardous substance storage must be submitted pursuant to 30 TAC §313.10/313.11.

____ No

■ ■ 16B. Will there be any permanent hydrocarbons or hazardous substance storage associated with this project?

____ Yes and I am aware that a separate application for Aboveground or Underground hydrocarbon or hazardous substance storage must be submitted pursuant to 30 TAC §313.10/313.11.

____ No

Attach any narrative answers directly behind this page.

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☒ 16C. Will there be any sewage holding tanks or cesspools? (Do not include septic tanks.)

☐ Yes
☐ No

☒ 16D. Will there be any new feedlot/concentrated animal feeding operations associated with this project?

☐ Yes
☐ No

☒ 16E. Will there be any waste disposal wells regulated under 30 TAC §331 of this title relating to Underground Injection Control?

☐ Yes
☐ No

☒ 16F. Will there be any land disposal of Class I wastes, as defined in 30 TAC §335.1?

☐ Yes
☐ No

☒ 16G. Will there be any land disposal of Municipal Solid Waste as defined in 30 TAC §330?

☐ Yes
☐ No

☒ 17. The following forms are included in the order listed below.

* THIS FORM

* STORM WATER SECTION

* GEOLOGIC ASSESSMENT, if required. See ITEM #13 above.

* APPLICANT'S SIGNATURE FORM

☒ 18. ☐ One (1) original and three (3) copies of the completed application (ITEM #17 above) are required and are attached.

☒ 19. This application is being submitted to the appropriate TNRCC Office.

Attach any narrative answers directly behind this page.

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— This is a TXDOT project and is being submitted to the TNRCC's TXDOT liaison in Austin.

— This is not a TXDOT project. It is located in Bexar, Comal, Kinney, Medina, or Uvalde County and is being submitted to the SAN ANTONIO Regional Office.

— This is not a TXDOT project. It is located in Hays, Travis or Williamson County and is being submitted to the AUSTIN Regional Office.

20. — Pursuant to 30 TAC 313.25, application fees are due and payable at the time the application is filed. The fee has been sent to the Commission's Austin headquarters, accompanied by an Edwards Aquifer Fee Application Form. I understand that if the correct fee is not submitted the commission is not required to consider the application until the correct fee is submitted.

21. — I am aware that if money from any Federal Agency (HUD, DOT, Fhwy, BIA, U.S. Army Corps of Engineers, etc.) is used on this project located on the Edwards Aquifer Recharge Zone, that the Clean Water Act requires that a report (environmental site assessment, impact statement, etc.) is to be submitted to the U.S. EPA for review prior to construction.

The blank spaces I have marked above signify that the information required is hereby provided and that, to the best of my knowledge, it accurately reflects the proposed project. This WPAP application was prepared by:

(Print Name of Applicant/Owner/Agent, etc.)

(Signature of Applicant/Owner/Agent, etc.)

Date

Please list any comments or suggestions you may have to improve this application. They will be considered for inclusion in the next edition of this form.

Attach any narrative answers directly behind this page.

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