

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



TEXAS WATER COMMISSION

PROTECTING TEXANS' HEALTH AND SAFETY BY PREVENTING AND REDUCING POLLUTION

January 28, 1993

Mr. Clay Kutscher
1375 Edward's Blvd.
New Braunfels, Texas 78130

Re: Edwards Aquifer, Comal County
PROJECT: Clay's Landing, Located @ 1375 Edward's Blvd., New Braunfels, Texas.
TYPE: Request for Approval of Water Pollution Abatement Plan (WPAP); 31 Texas Administrative Code (TAC) §313.4; Edwards Aquifer Protection Program.

Dear Mr. Kutscher:

The Texas Water Commission (TWC) has completed their review of the WPAP application for the referenced project that was submitted by Winkley/Alexander, Inc. on your behalf to the District 8 Office on December 15, 1992.

BACKGROUND

On May 22, 1992 an inspection of the above referenced project site was conducted. Land had been cleared for a parking lot and other buildings. The snack shop, toilets and pumphouse were observed to be nearly complete. Two (2) 500-gallon sewage holding tanks were also observed. The use of sewage holding tanks as part of a sewage collection system is prohibited on the Recharge Zone of the Edwards Aquifer. By letter dated May 26, 1992 you were required to complete a water pollution abatement plan application and return it to this office. Your response letter was received on June 10, 1992 requesting the use of sewage holding tanks as a means of wastewater disposal. By letter dated June 17, 1992 District 8 conditionally approved temporary use of the holding tanks.

PROJECT DESCRIPTION

The proposed Clay's Landing is to be developed as a commercial project and will consist of one snack bar building, one rest room building, a pump house, wood decking and walkways, and driveway and parking lot. The site is located within Comal County, and will conform with applicable codes and requirements of Comal County. Potable water will be supplied by an existing onsite water well.

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

Mr. Clay Kutscher
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The normal population of the development is estimated to be two (2) employees. 500 gallons per day of domestic wastewater is to be generated by this project. Wastewater will be collected by two (2) private on-site sewage holding tank. According to a September 8, 1992 letter signed by Monica Wallace, Comal County Sanitarian, the holding tank is approved under the following conditions:

1. An elevation certificate is completed and returned to Comal County Flood Plain Administrator before operation; and structure location is approved.
2. As long as tanks are holding sewerage without any signs of leakage.
3. Tanks are pumped by a licensed septic tank pumper weekly after establishment has started operation.

The proposed impervious cover for the development, approximately 14,895 square feet (28%), includes single family dwelling roof tops, driveways, sidewalks, and streets.

Approximately 4.30 cubic feet per second of stormwater flow will be generated in a 25 year storm event from the 1.08 acre tract.

GEOLOGY ON SITE

According to the geologic assessment included with the submittal, no significant karst features were found to exist on the site. However, the rock is fractured and shows two fracture trends in the exposed rock. Minor bedding plane solution features were noted at the base of the thick limestone beds which form two (2) benches in the rock exposure adjacent to the Guadalupe River. No assessment of the significance or sensitivity of these features was presented in the Geologic Assessment by the geologist.

The District 8 site inspection of December 15, 1992, revealed that some fossilmoldic porosity in the outcrop along the river bank was present. Due to the proximity of this project to the Guadalupe River discharge into the river rather than recharge into the Edwards Aquifer was occurring.

GEOLOGY DOWN-GRADIENT OF SITE

According to the geologic assessment included with the submittal, surface drainage of the site is to the Guadalupe River. Due to the site drainage directly to the Guadalupe River, and dangerous flow conditions, at the time of the investigation, no survey was conducted to determine karst features in the drainage path.

POLLUTION ABATEMENT

I. 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. 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. The disturbed areas will be revegetated with native grass.
- B. Stormwater runoff from the parking lot will drain to a sedimentation/filtration basin. The remainder of the area will be filtered by two (2) grassed terraces. Stormwater will cross these terraces in a sheet flow manner through the use of a level spreader.

III. Recharge Features:

No recharge features were observed onsite to warrant additional measures.

APPROVAL

The plan for this project has been reviewed for compliance with 31 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 31 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. Based on previous on-site inspections of the project site, Commission records indicate that construction of regulated development and activities was actually initiated before May 22, 1992. These activities were conducted without the prior approval of the water pollution abatement plan, as required by Commission rules (31 TAC Chapter 313). Therefore, the applicant is hereby advised that the after-the-fact approval of the installation of the snack bar, toilet, pump house, and sewage holding tanks, 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 Section 313.14 of Commission rules.
2. The sedimentation/filtration basin is designed in accordance with the LCRA Lake Travis Nonpoint Source Pollution Control Ordinance Technical Manual. The basin will incorporate sedimentation and filtration. The filtration system will consist of a geotextile membrane overlain by 12 inches of course sand overlain by 10 inches of fine sand. Stormwater runoff will be typical of a commercial site.
3. A formal maintenance plan and schedule for the sedimentation and filtration basin shall be submitted to the District 8 Edwards Aquifer Coordinator for review and possible modification prior to completion of construction. The plan shall include a responsible party and the anticipated cleaning schedule. Upon approval by the Texas Water Commission the plan shall be implemented in accordance with the approved schedule.
4. The sewage holding tanks shall be subject to the following conditions:
 - A. Each sewage holding tank shall be pumped by a licensed waste hauler weekly.
 - B. Each sewage holding tank shall be equipped with an overflow alarm capable of alerting the facility owner when the volume of the liquid in each tank reaches no more than 80% of the tank capacity.
 - C. Each sewage holding tank shall have containment walls as shown on the detailed drawing of the site plan.

- D. Semi-annual reports shall be submitted to the District 8 office, due on April 1 and October 1 of every year the sewage holding tanks are on-site. The reports shall include:
 - i. Number of times tanks were pumped,
 - ii. Volume of effluent pumped each time,
 - iii. Name, license number, address and telephone number of contract waste hauler(s) employed,
 - iv. Manifests or receipts from the licensed waste hauler identifying the TWC permitted wastewater treatment plant(s) receiving the untreated sewage,
 - v. Certification by Texas Registered Sanitarian describing the condition of the tanks, noting any fractures, cracks or leaks, or absence of any fractures, cracks or leaks, the condition of the inflow pipe and pipe joints, and the overfill alarm.
- E. Any overflows, spillage or discharges from the tanks shall be immediately reported to the District 8 Office, 210/490-3096.
- F. If ownership or management of the property or business is transferred the new purchaser/owner/manager shall be notified of these conditions in writing prior to sale or transfer. The prospective purchaser/owner/manager shall inform the District 8 Office in writing that they understand these conditions of approval and will continue to provide this office with the information required by Item 4D above.

STANDARD CONDITIONS OF APPROVAL

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; and (2) submit to the Executive Director through the District 8 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 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 31 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.
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 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 the District 8 office.

Mr. Clay Kutscher

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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 31 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 31 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 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.

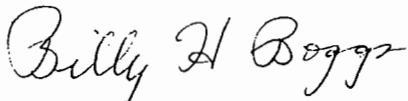
11. No waste-disposal wells, new confined animal feeding operations, land disposal of Class I wastes, or use of sewage holding tanks as parts of organized collection systems shall be allowed on the recharge zone of this regulated development.
12. During the course of the construction related to the referenced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

Mr. Clay Kutscher
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January 28, 1993

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 any sewage collection system, the design of which shall be in accordance with 31 TAC §313.5 and 31 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 Water Commission immediately and commence clean-up.

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

Enclosures

cc: Winkley/Alexander, Inc.
Mike Shands, Director of Planning, City of New Braunfels
Carter Casteel, County Judge, Comal County
Monica M. Wallace, Comal County Sanitarian
Tom Hornseth, Comal County Engineer
Russell L. Masters, Edwards Underground Water District
John Mauser, Texas Water Commission, District 8 Office
Steve Musick, Groundwater Section, Texas Water Commission
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January 28, 1993

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1375 Edward's Blvd.
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Mr. Clay Kutscher
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January 28, 1993

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POLLUTION ABATEMENT

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III. Recharge Features:

No recharge features were observed onsite to warrant additional measures.

APPROVAL

The plan for this project has been reviewed for compliance with 31 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 31 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. Based on previous on-site inspections of the project site, Commission records indicate that construction of regulated development and activities was actually initiated before May 22, 1992. These activities were conducted without the prior approval of the water pollution abatement plan, as required by Commission rules (31 TAC Chapter 313). Therefore, the applicant is hereby advised that the after-the-fact approval of the installation of the snack bar, toilet, pump house, and sewage holding tanks, 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 Section 313.14 of Commission rules.
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 - A. Each sewage holding tank shall be pumped by a licensed waste hauler weekly.
 - B. Each sewage holding tank shall be equipped with an overflow alarm capable of alerting the facility owner when the volume of the liquid in each tank reaches no more than 80% of the tank capacity.
 - C. Each sewage holding tank shall have containment walls as shown on the detailed drawing of the site plan.

Mr. Clay Kutscher
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January 28, 1993

- D. Semi-annual reports shall be submitted to the District 8 office, due on April 1 and October 1 of every year the sewage holding tanks are on-site. The reports shall include:
 - i. Number of times tanks were pumped,
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 - iii. Name, license number, address and telephone number of contract waste hauler(s) employed,
 - iv. Manifests or receipts from the licensed waste hauler identifying the TWC permitted wastewater treatment plant(s) receiving the untreated sewage,
 - v. Certification by Texas Registered Sanitarian describing the condition of the tanks, noting any fractures, cracks or leaks, or absence of any fractures, cracks or leaks, the condition of the inflow pipe and pipe joints, and the overfill alarm.
- E. Any overflows, spillage or discharges from the tanks shall be immediately reported to the District 8 Office, 210/490-3096.
- F. If ownership or management of the property or business is transferred the new purchaser/owner/manager shall be notified of these conditions in writing prior to sale or transfer. The prospective purchaser/owner/manager shall inform the District 8 Office in writing that they understand these conditions of approval and will continue to provide this office with the information required by Item 4D above.

STANDARD CONDITIONS OF APPROVAL

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; and (2) submit to the Executive Director through the District 8 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 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.

Mr. Clay Kutscher
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January 28, 1993

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 31 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.
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 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 the District 8 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 31 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 31 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 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. Clay Kutscher, 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.

Mr. Clay Kutscher
Page 8
January 28, 1993

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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 Water Commission immediately and commence clean-up.

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

Enclosures

cc: Winkley/Alexander, Inc.
Mike Shands, Director of Planning, City of New Braunfels
Carter Casteel, County Judge, Comal County
Monica M. Wallace, Comal County Sanitarian
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Russell L. Masters, Edwards Underground Water District
John Mauser, Texas Water Commission, District 8 Office
Steve Musick, Groundwater Section, Texas Water Commission
TWC - Central Records (with attachment)

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



TEXAS WATER COMMISSION

PROTECTING TEXANS' HEALTH AND SAFETY BY PREVENTING AND REDUCING POLLUTION

March 8, 1993

Return Receipt Requested No. P420650072

Mr. Clay Kutschner
P.O. Box 311178
New Braunfels, Texas 78131

Re: EDWARDS AQUIFER, Comal County
PROJECT: Clay's Landing
TYPE: Water Pollution Abatement Plan, 31 Texas Administrative
Code (TAC) 313.4

Dear Mr. Kutscher:

On January 28, 1993 the above referenced project received approval from the Texas Water commission pursuant to 31 TAC §313.4. As a standard condition of approval you were required to: "(1) record in the county deed records that this property is subject to the approved WPAP; (2) submit to the Executive Director through the District 8 Office, within 30 days of receiving 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."

To date District 8 has not received proof of deed recordation as required by the TWC's January 28, 1993 approval letter. Failure to comply 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. Please submit the proof of deed recordation to this office by 5:00 pm March, 19, 1993. Enclosed is a suggested format you may wish to use to deed record your approved WPAP. If you have any questions please contact Mr. Mauser at this San Antonio office, 210/490-3096 (Ext 348).

Sincerely,

A handwritten signature in cursive script, appearing to read "Billy H. Boggs".

Billy H. Boggs,
District Manager

BHB-JKM/jkm

Attachment

cc: Monica Wallace, Comal County Sanitarian
Joe Lara, New Braunfels Sanitarian
Edwards Underground Water District

B:\CLAYS\NOV

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

John Hall, Chairman
Pam Reed, Commissioner
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TEXAS WATER COMMISSION

PROTECTING TEXANS' HEALTH AND SAFETY BY PREVENTING AND REDUCING POLLUTION

May 26, 1992

Return Receipt Requested No. P 883 538 993

Mr. Clay Kutscher
P.O. Box 311178
New Braunfels, Texas 78131

Re: EDWARDS AQUIFER, Comal County
PROJECT: Clay's Landing
TYPE: Water Pollution Abatement Plan, 31 Texas Administrative
Code (TAC) 313.4

Dear Mr. Kutscher:

On May 21, 1992 John Mauser of this office received a report from the Comal County Sanitarian, Monica Wallace, of construction at the above referenced project. As the attached map illustrates this site is located on the Edwards Aquifer Recharge Zone (EARZ). Pursuant to 31 TAC 313.4 construction of all regulated activities and developments on the EARZ requires prior approval from the Texas Water Commission (TWC).

On May 22, 1992 Mr. Mauser investigated the site and observed several buildings nearing completion (Snack shop, toilets, and pump house), two concrete sewage holding tanks, and a parking area. Clearing of land, for any purpose other than surveying, and construction of the buildings is unauthorized. Sewage holding tanks are prohibited.

A copy of the Edwards Aquifer Rules, and a water pollution abatement plan application were left with you. You are required to complete the application and return it to this office. You were directed by Mr. Mauser to place silt fences for erosion control immediately. Failure to comply with these regulations could result in fines of up to \$10,000 per violation per day. If you have any questions please contact Mr. Mauser at this San Antonio office, 512/490-3096.

Sincerely,

A handwritten signature in cursive script that reads "Billy H. Boggs".

Billy H. Boggs,
District Manager

BHB-JKM/jkm

Attachment

cc: Monica Wallace, Comal County Sanitarian
Joe Lara, New Braunfels Sanitarian
Edwards Underground Water District

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

B:\CLAYS\NOV

EDWARDS CONSULTANTS*

* This is a list of engineering and geologic consultants/firms which have submitted Water Pollution Abatement Plans or Geologic Assessments to the District 8 Field Office of the Texas Water Commission on behalf of applicants requesting review and approval consideration for construction of regulated activities/developments on the Recharge Zone of the Edwards Aquifer pursuant to 31 TAC 313. This list is for your convenience and should not be construed as an endorsement or recommendation.

Engineer	Brown Engineering 1000 Central Pkwy, #235	512 494-5511 San Antonio 78232
Engineer	CDS Engineers 10223 McAllister Freeway	512 334-7644 San Antonio 78216
Engineer	Castella, W.F. 1039 Hildebrand	512 734-5351 San Antonio 78201
Engineer	Cude & Associates P.O. Box 700605	512 681-2951 San Antonio 78270
Engineer	Fisher Engineering 900 NE Loop 410, #D-104	512 829-7255 San Antonio 78209
Engineer	Halenberger/Telford 11322 Sir Winston	512 349-6571 San Antonio 78216
Engineer	Hollmig, Inc. 410 N. Seguin	512 625-8555 New Braunfel 78130
Engineer	Hoyt Consulting Engineers, Inc 8301 Broadway, #416	512 824-3929 San Antonio 78209
Engineer	IHS Geotech 2405 Boardwalk	512 822-9666 San Antonio 78917
Engineer	MBC Engineers 415 Breesport	512 349-0151 San Antonio 78216
Engineer	Overby Descamps Engineers, Inc 900 NE Loop 410, #123	512 828-3520 San Antonio 78209
Engineer	Ozuna & Associates 8118 Broadway	512 828-1431 San Antonio 78209
Engineer	Pape-Dawson 9310 Broadway	512 824-9494 San Antonio 78217
Engineer	Petro-Global P.O. Box 50427	915 685-3339 Midland 79710
Engineer	Seda Engineers 15502 Babcock	512 697-0222 San Antonio 78255
Engineer	Trinity Testing Laboratory 310 Breesport, Suite B	512 344-8144 San Antonio 78216

EDWARDS CONSULTANTS*

- * This is a list of engineering and geologic consultants/firms which have submitted Water Pollution Abatement Plans or Geologic Assessments to the District 8 Field Office of the Texas Water Commission on behalf of applicants requesting review and approval consideration for construction of regulated activities/developments on the Recharge Zone of the Edwards Aquifer pursuant to 31 TAC 313. This list is for your convenience and should not be construed as an endorsement or recommendation.

Geologist	Heathman, Tom 3355 Bee Cave Road	512 860-2281 Austin 78746
Geologist	Geo-Consul 12520 Taylor Drive	512 295-2120 Buda 78610
Geologist	Hawkins Remote Sensing 8910 Tesoro, #120	512 829-5330 San Antonio 78217
Geologist	KEI Consultants 7329 Reindeer Trail	512 680-3767 San Antonio 78238
Geologist	Raba-Kistner 12821 Golden Lane	512 699-9090 San Antonio 78249
Geologist	SW Labs 1850 Grandstand Drive	512 680-5028 San Antonio 78238

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



DATE RECEIVED 6/22/92
ENVIRONMENTAL HEALTH

TEXAS WATER COMMISSION

PROTECTING TEXANS' HEALTH AND SAFETY BY PREVENTING AND REDUCING POLLUTION

June 17, 1992

Mr. Clay Kutscher
P.O. Box 311178
New Braunfels, Texas 78131

Re: EDWARDS AQUIFER, Comal County
PROJECT: Clay's Landing
TYPE: Request for Temporary Exception to Prohibition
of Sewage Holding Tanks on Edwards Aquifer
Recharge Zone, 31 Texas Administrative Code
(TAC) 313.12

Dear Mr. Kutscher:

On June 10, 1992 District 8 received your request for approval for temporary use of two (2) sewage holding tanks at the above referenced project located on the Edwards Aquifer Recharge Zone.

The "Edwards Rules" (31 TAC 313) list the following prohibited activities (31 TAC 313.9).

§313.9. Prohibited Activities.

- (a) Recharge zone. The following activities are prohibited on the recharge zone:
 - (1) waste disposal wells regulated under Chapter 331 of this title (relating to Underground Injection Control);
 - (2) new feedlot/concentrated animal feeding operations;
 - (3) land disposal of Class I wastes, as defined in §335.1 of this title (relating to Definitions); and
 - (4) the use of sewage holding tanks as parts of organized collection systems.
- (b) Transition zone. The following activities are prohibited on the transition zone:
 - (1) waste disposal wells regulated under Chapter 331 of this title (relating to Underground Injection Control); and
 - (2) new feedlot/concentrated animal feeding operations;

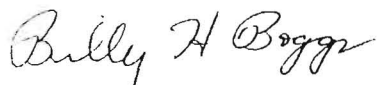
It is the policy of the Texas Water Commission to strictly enforce the provisions of this chapter. Nevertheless, situations that would warrant exceptions to these rules arise. The Texas Water Commission has reviewed your request and grants approval for temporary use of sewage holding tanks at the referenced site with the following conditions:

Mr. Clay Kutscher
Page 2
June 17, 1992

1. Provide a written report of the total wastewater generated by each sewage holding tank every two (2) weeks. Include the number of times each tank is emptied and provide copies of manifests or receipts from the waste hauler. The manifests or receipts shall identify the disposal location. The first report is due by 8:00 AM, Friday, July 12, 1992.
2. This approval expires on August 31, 1992. Conditional approval shall be automatically extended if the required water pollution abatement plan (WPAP) is received on or before August 31, 1992.
3. Final approval or disapproval of the sewage holding tanks will be decided when the WPAP is reviewed. The WPAP application should include justification for the request for permanent exception to the rules. A supporting statement from the Comal County Sanitarian is required also.

Failure to comply with these regulations could result in fines of up to \$10,000 per violation per day. If you have any questions contact John Mauser at this San Antonio office, 512/490-3096.

Sincerely,



Billy H. Boggs,
District Manager

BHB-JKM/jkm

Attachment

cc: Monica Wallace, Comal County Sanitarian
Joe Lara, New Braunfels Sanitarian
Edwards Underground Water District
Rob Conti - TWC
John Mauser - TWC

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TEXAS WATER COMMISSION
EDWARDS AQUIFER REGULATED ACTIVITY

APPLICATION FOR

WATER POLLUTION ABATEMENT PLAN

CLAY'S LANDING

PREPARED FOR:

**CLAY KUTSCHNER
1375 EDWARD'S BLVD.
NEW BRAUNFELS, TEXAS**

PREPARED BY:

**WINKLEY/ALEXANDER, INC.
1101 HWY 360 SOUTH, #E-220
AUSTIN, TEXAS 78746
(512) 328-3242**

TEXAS WATER COMMISSION
EDWARDS AQUIFER REGULATED ACTIVITIES GUIDELINES

These guidelines are provided to assist in the preparation of the **Water Pollution Abatement Plan (WPAP) Application** which is submitted to the Texas Water Commission for review and approval of **Regulated Activities in the Edwards Aquifer Recharge Zone**. It is provided as a service to applicants by the commission with the understanding that the basic content of this document will not be altered and the information provided will correspond to that requested in the commission's most recent revision (the applicant/agent/engineer is responsible for obtaining updates). Any alterations to this document do not relieve the applicant of the responsibility for furnishing the information necessary to complete the commissions review of the submittal.

The applicant/agent/engineer should be informed that the staff of the Texas Water Commission do not serve in the capacity of designing engineers. The plans and specifications submitted will be examined primarily for their compliance with the aspects of the design criteria covered by 31 Texas Administrative Code (TAC) §313 and 31 TAC §317. Approval given by the commission is not intended to relieve the applicant/agent/engineer of any of the liabilities or responsibilities of the design, construction, or operation of the project.

THE FOLLOWING GUIDELINES WERE PREPARED USING WORDPERFECT 5.1 AND ARE ARRANGED SO THAT THE QUESTIONS ARE SEMI-PROTECTED. THE SPACE BETWEEN THE QUESTIONS IS EXPANDABLE; THEREFORE, ANY SIZE ANSWER CAN BE ACCOMMODATED. THE PROTECTION CODE IS LOCATED ON EITHER SIDE OF THE QUESTION AND CAN BE ACCIDENTALLY REMOVED IF THE CODE IS INCLUDED IN A DELETION. THE ORIGINAL DISK SHOULD BE KEPT AS A BACKUP. WHEN THE APPLICANT IS ENTERING INFORMATION INTO THE GUIDELINES, THE PROGRAM SHOULD BE SET TO THE "TYPEOVER" MODE. THE CURSOR KEYS SHOULD BE USED TO MOVE FROM ONE ANSWER AREA TO THE NEXT.

COMMENTS FROM THE APPLICANT CONCERNING THE USE OF THESE GUIDELINES WILL BE APPRECIATED.

Texas Water Commission
February 7, 1992

EDWARDS AQUIFER COMAL

COUNTY

PROJECT: Clay's Landing - A snack bar, on approximately 1 acre,
located at 1375 Edwards Blvd., New Braunfels, Texas

TEXAS WATER COMMISSION

EDWARDS AQUIFER RULES

WATER POLLUTION ABATEMENT PLAN
31 TAC 313.10.4

APPLICATION PACKET

Before you submit your application to the Texas
Water Commission (TWC) District Office:

1. Telephone District Office to make an
appointment to discuss your application.

San Antonio - 512/490-3096
Austin - 512/463-7803

2. Send your WPAP application fee and fee
form to TWC's Fiscal Management Division
in Austin. The review process will not
begin before these items are received.

When you submit your application, each section should be signed as
shown in this table.

Section	Signed by
Guidelines	Applicant
Application	Applicant or applicant's agent
Geologic Assessment	Geologist

**GUIDELINES FOR WATER POLLUTION ABATEMENT PLANS
CONCERNING PROTECTION OF THE EDWARDS AQUIFER AND
RELATING TO 31 TAC 313 EFFECTIVE MARCH 21, 1990**

These guidelines for the water pollution abatement plan's (WPAP) application are designed to assist the applicant in determining if their submittal is complete and to expedite the Texas Water Commission's (TWC) review and approval of the water pollution abatement plan (WPAP) for regulated activities/developments on the Edwards Aquifer Recharge Zone (RZ) but not on the Transition Zone (TZ). "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. The only activity regulated on the Transition Zone is the installation and modification of aboveground and underground hydrocarbon and hazardous substance storage facilities (Gasoline, diesel, solvents, etc.).

Copies of official Recharge/Transition Zone Maps (1:24,000 scale USGS quadrangle sheets) for Kinney, Uvalde, Medina, Bexar, Comal, and Hays counties may be obtained from the Edwards Underground Water District in San Antonio (512/222-2204) and Ferguson Map Company in San Antonio (512/341-6277). Copies of official Recharge/Transition Zone maps for Hays, Travis, and Williamson counties may be obtained from Accugraphics in Austin (512/459-4929).

The completed **WPAP** application (with all questions answered, the required plans and attachments, and necessary signatures) should be submitted (in QUADRUPLICATE) to the appropriate TWC district office for review and approval consideration.

DO NOT MARK IN THE SHADED AREAS. FOR TWC USE ONLY.

SB

☐ 1. Do you need a WPAP?

YES OR NO? Yes

2. Use the form provided on the disk, or a printed copy of it. If an item does not apply, provide an explanation. The comments "Not applicable" or "See Item XX above" are not acceptable. The comment "See attached...." is only valid for referencing required plans or maps. **Your application will be returned if all items are not adequately addressed.**
3. A geologic assessment prepared by a qualified geologist is required for all development sites, except residential developments of less than 25 living units or living unit equivalents.

Is a geologic assessment required?

YES OR NO? Yes

If a geologic assessment is required, a qualified geologist should be retained to prepare the assessment as described in 31 TAC §313.4. The guidelines for a geologic assessment are included in this document.

4. Send the appropriate application fee (check only) along with the application fee form directly to the address shown below. Review of your application will not begin until your application fee is received.

Texas Water Commission
Stephen F. Austin Building
1700 N. Congress Ave.
Fiscal Management Division
Fees and Receivables Section

P.O. Box 13087
Austin, Texas 78711-3087

5. Submit this application in **QUADRUPLICATE** to the appropriate district office listed below. Submit each application (Water Pollution Abatement Plans, Sewage Collection Systems, Aboveground or Underground Hydrocarbon and Hazardous Substance Storage Tanks) separately.

Bexar, Comal, Kinney, Hays, Medina, Uvalde, Counties
TWC District 8 140 Heimer Road Suite 360 San Antonio, Texas 78232-5042
512/490-3096

Travis & Williamson Counties
TWC District 14 1700 South Lamar Blvd. Bldg 1. No. 101 Austin, Texas 78704-3360
512/463-7803

31 TAC 313.23. Signatories to Applications

- (a) Required Signature. All applications must be signed as follows.
- (1) For a corporation - by a principal executive officer of at least the level of vice-president or by a duly authorized representative. A representative must submit written proof of the authorization.
 - (2) For a partnership - by a general partner;
 - (3) For a political entity such as a municipality; or a state, federal, or other public agency - by either a principal executive officer or a duly authorized representative. A representative must submit written proof of authorization.
 - (4) For an individual or sole proprietor - by the individual or sole proprietor, as applicable.
- (b) Proof of authorization to Sign. The executive director may require written proof of authorization to sign any application.

As Clay Kutscher

(Eg.Owner/Developer)

of Clay' Landing

Project Name

I,

Clay Kutscher

Applicant's Signature

have authorized Winkley/Alexander, Inc.
1101 Hwy 360 South, Suite E230
Austin, Texas 78746
Attn: Thomas R, Winkley, P.E.

Agent, contractor, etc.

to represent Clay's Landing

Your company, entity, self, etc.

and understand that upon receiving written approval of a water pollution abatement plan for the subject development, it must be recorded in the county deed records that the property is subject to an approved water pollution abatement plan, and must also, upon transferring title of that property, place a restriction in the deed that states that the property is subject to the water pollution abatement plan.

I understand that clearing of vegetation in a 10-foot wide path as is necessary and for the sole purpose of surveying is the only construction activity allowed prior to approval. I understand that fines of up to \$10,000 per violation per day could be levied if unauthorized construction begins before TWC approval is granted or if any aspect of the project does not conform to the standard and/or special conditions of approval.

Within 30 days of receiving written notice of the approval of the water pollution abatement plan from the executive director, I shall submit to the appropriate district office proof of application for recordation of notice in the county deed records.

Prior to commencing construction, I shall submit to the appropriate district office proof of application for recordation of notice in the county deed records.

Before beginning construction related to an approved regulated development, I shall notify the appropriate district office of when the regulated activity will begin.

If any significant recharge features are discovered during construction, all regulated activities near the significant recharge feature must be immediately suspended, and may not proceed until the appropriate district office or the executive director has reviewed and approved the methods proposed to protect the aquifer from any potential contamination resulting from surface activities. The holder of an approved water pollution abatement plan must immediately notify the appropriate district office of any significant recharge features encountered during construction.

Significant Recharge features are those permeable geologic features located on the recharge zone or on the transition zone, such as caves, sinkholes, faults, fractures, open bedding plane surfaces, interconnected vugs, or other geologic features, such as reef deposits, through which rapid infiltration - relative to the adjacent rock media - to the subsurface may occur, and in which a potential for hydraulic interconnectedness between surface water and the Edwards Aquifer is present.

APPLICATION for WATER POLLUTION ABATEMENT PLAN
CONCERNING PROTECTION OF THE EDWARDS AQUIFER AND
RELATING TO 31 TAC 313.4 EFFECTIVE MARCH 21, 1990

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

Received by District _____
Deficiency sent _____
Response received _____
Response adequate (Yes/No) _____
Inspection Date _____
Judged administratively
complete and distributed
by the district office _____
Plan Approved () - APP _____
Rejected () - REJ _____
Fee due: _____ Fee payment verified: _____

Enter name of Project/Subdivision Clay's Landing, locally known as 1375
Edward's, New Braunfels, Texas

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

SB NA SB = Submitted NA = Not Applicable

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

Street (If assigned) 1375 Edward's Blvd.
City, State New Braunfels, Texas
Zip 78130
Telephone (512) 353-0625

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

Edward's Underground Water District

Give location of the project site (Example: "NE corner of
Bitters & Heimer Roads", "On east side of Heimer Road, 1/4
mile north of Bitters Road".

The site is located approximately 4500 feet east of the intersection of River Road and Edward's Blvd along the north side of Edwards.

2. Applicant (name, address, telephone number, and contact person).

Applicant Clay Kutscher

Entity 1375 Edward's Blvd
P. O. Box New Braunfels, Texas
Street Address 78130
City, State (512) 353-0625
Zip
Telephone

3. Agent (name, address, telephone number, and contact person).

Agent Thomas R. Winkley, P.E.
P. O. Box Winkley/Alexander, Inc.
Street Address 1101 Hwy 360 South, Suite E230
City, State Austin, Texas
Zip 78746
Telephone (512) 328-3242

4. Identify responsible party who will maintain approved pollution abatement measures once constructed (give name, address, telephone number, and contact person).

Responsible Party Clay Kutscher
P. O. Box Clay's Landing
Street Address 1375 Edward's Blvd
City, State New Braunfels, Texas
Zip 78130
Telephone (512) 353-0625

5. Project Acreage: 1.02 acres

Fee due: \$ 1000

6. Attach a **Road Map** behind this sheet showing location of project site and route/mileage from a known site.

Road Map is attached showing site location with route marked from the intersection of Loop 337 and River Road.

7. Attach a **General Location Map** behind this sheet on copy(ies) of the official 7½ minute USGS quadrangle map(s) of the Edwards Recharge Zone. **The Maps should clearly show the USGS Quadrangle Names, the boundaries of the Recharge Zone and Transition Zone (if applicable), and the drainage path from the project to the boundary of the Recharge Zone.** Provide the names of the Quadrangle maps below.

The USGS Quadrangle Map New Braunfels East are attached showing the site location, the boundaries of the recharge zone and the drainage path from the site to the recharge boundary.

8. Attach a **Site Plan** with a minimum scale of 1" = 400' behind this sheet. Indicate the scale of the Site Plan below.

A site plan is attached showing the information required in the following section. The scale of the site plan is 1" = 20'.

Provide the following information on the Site Plan.

The 100 year floodplain's boundaries which are within the site and 200 feet downgradient. If no part of the site is within the 100 year floodplain, indicate so below.

The 100 year flood plain is shown. This flood plain was taken from the FEMA maps and from a title survey prepared by S. Craig Hollmig, Inc.

The layout of the development, and the existing and finished topographic contours. The contours intervals should be no larger than 5 feet and should be clearly marked on the site plan. List existing and finished contour intervals below.

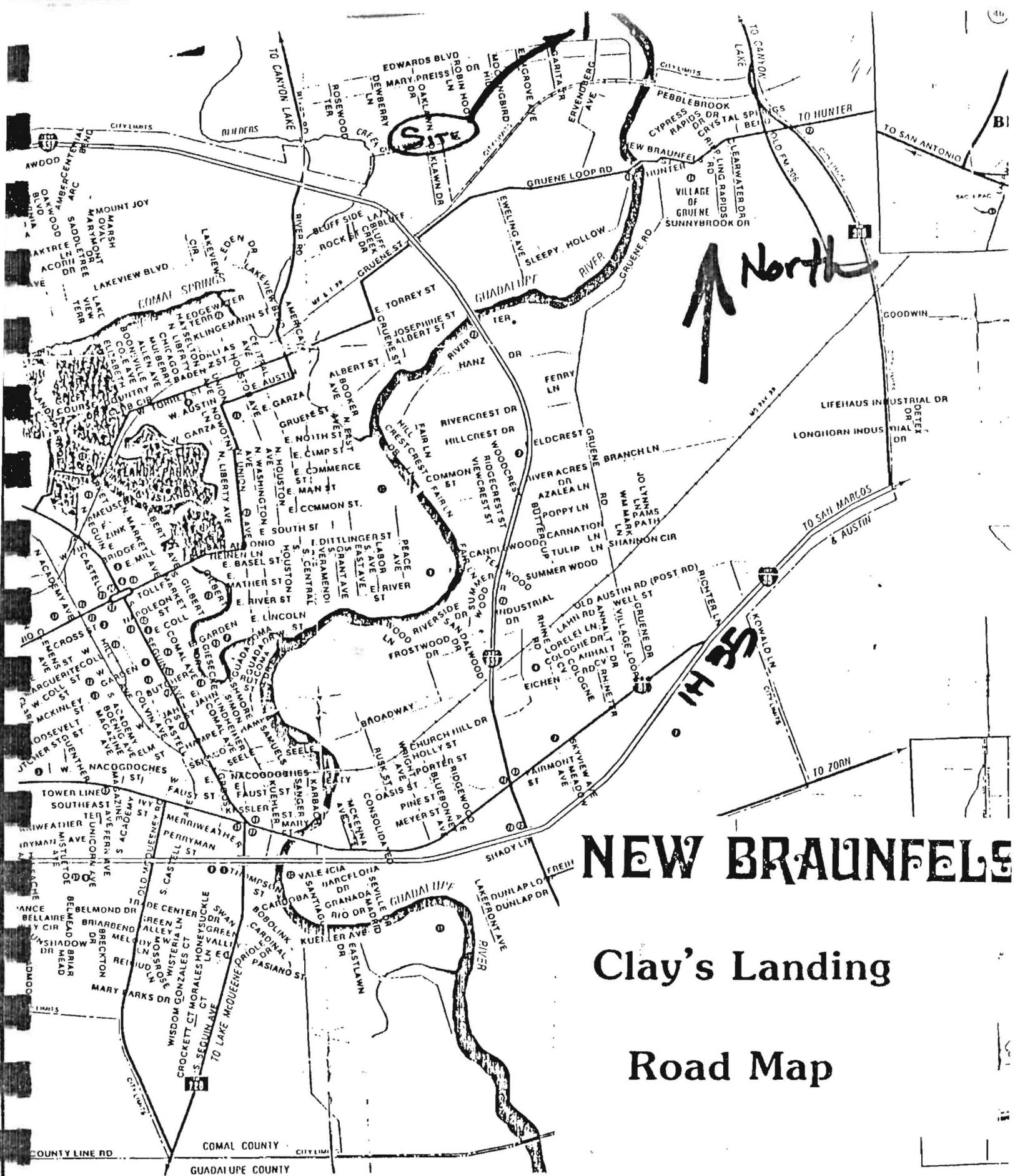
The proposed facilities are shown with 5 foot topographic intervals as surveyed by S. Craig Hollmig, Inc.

The locations of all known wells (oil, water, unplugged, and/or abandoned). If no wells exist on the site, state so below.

The existing well is located within the cinder block building in the eastern 1/3 of the site. The water well is for the rest rooms, drinking and kitchen facilities.

Any significant recharge features (SRF) which are located within the development or within 200 feet downgradient of the site and in the 5 year floodplain. If no SRF's are present in these areas, indicate so below.

The 5 year flood plain is shown on the site plan. No significant recharge features were noted within 200 feet down gradient of the site.



**TECHNICAL REPORT
WATER POLLUTION ABATEMENT PLAN**

A Technical Report for the regulated development shall be include in this application. This report should address the following issues and should be of sufficient detail to provide the information required by 31 TAC §313.4(b)(4). The applicant should refer to this subchapter (and/or the referenced paragraph) while answering each question.

1. Include below, a project description including an assessment of the proposed development (residential, commercial, industrial, utility, road, flood control structure, etc.), the size of the project (acres), the projected population, the final amount and types of impervious cover in acres or square feet (total project area, structures/roofs, paved surfaces/parking lots, others, total paved surfaces). Indicate the percent of impervious area in the development (total paved area ÷ total project area x 100%).
31 TAC §313.4(b)(A)(i)

The proposed project consists of a 552 sf metal frame building, a 269 sf wood frame rest room building, a 160 sf cinder block building, 1500 sf of wood decking and walkways and attendant driveway and parking. The metal building will be used for beverage and snack sales and is therefore classified as commercial.

The project will have a work force of 2 individuals during the normal hours of operation. These individuals will provide the necessary sales and servicing of the customers of the store.

The impervious cover for the project will consist of the buildings, decks, drive and parking. The percentage of impervious cover will be as follows:

Buildings -	981 sf
Decks -	1,500 sf
Parking and Drives -	12,414 sf
Total -	14,895 sf

Site Area - 44,431 sf

Percent Impervious Cover - $14,895/44,431 = 28\%$

2. A discussion of the volume and character of the wastewater expected to be produced (domestic, industrial, commingled) indicating the total volume and approximate percentage of each type.

31 TAC §313.4(b)(A)(ii).

The wastewater flow from this project will be domestic in nature. The total estimated flow for the employees, with usage by costumers, is 500 gals per day based upon the guidelines published by the Texas Department of Health.

The above referenced flow may occur during the peak months of operation of the facility. These peak months are generally from June thru August. It is anticipated that the flow for the months of April, May and September will be 200 gals per day. The remaining months will typically be less than 50 gal per day as no regular hours of operation will occur during that period.

3. Will an on-site sewage collection system (SCS) be part of this project.

Yes

If yes, state that all private service laterals will be inspected as required in 31 TAC 313.5(c)(9), and indicate will perform the inspection. A written statement from the appropriate licensing authority must be attached stating that the land in the development is suitable for the use of private sewage facilities, or identifying those areas that are not suitable for the use of private sewage facilities.

The on-site system will be in the form of holding tanks that will require continuous monitoring by the owner. The licensing authority has agreed to the holding tanks as being the most appropriate method for this site.

If no, and the wastewater is to be disposed of by conveyance to a sewage treatment plant (S.T.P.) for treatment and disposal, identify the existing or proposed treatment facility below.

Will sewage holding tanks be used as parts of the organized sewage collection systems?

YES OR NO? Yes

We are requesting an exception to Chapter 313 Section 313.9 of the Texas Administrative Code. A review of the code indicated the availability of exception of certain projects from the chapter requirements. Said exception being authorized by the Executive Director. We believe this component of the project falls under the criteria of Chapter 313, Section 313.12.

The holding tanks are necessary due to the topographical and land area constraints of the site. The use of this type of system will provide a more functional disposal method of the sewerage effluent given the limited facility operational periods and the proximity of the site to the Guadalupe River.

Does not have
this as of
2-23-93 mw

The applicant currently has a contract for bi-weekly pumping for the tanks. Under this application, it is our intent for the Commission to approve the removal of this contract constraint given our recommendations.

It may be noted in this plan that storm water pollutants for the development have been reduced to pre-development conditions. The reduction of pollutants is accomplished through vegetative filter strips, sedimentation/filtration ponds and revegetation of the disturbed areas.

The site topography is stair step in nature with the average ground slope being 12%. The portion of the site adjacent to the Guadalupe River is a bluff of approximately 40 ft. in height.

Soil types at the site consist of Brackett Rock Outcrop Complex. The soils are generally shallow and poorly draining. Additionally, the proximity of the on-site well precludes the placement of a drain-field within the greater portion of the site.

The proposed holding tanks are in locations that are easily monitored and are accessible for pumping. During peak usage periods of the mid and late summer, pumping of the tanks may occur on a weekly or even semi-weekly basis. During the off season months, it is possible that the tanks will require pumping at a maximum of a monthly basis.

The holding tanks will be set within a containment structure that will be sized to approximately 30% of the tank volume. The containment structure will serve to capture any potential spills that may occur due to a pumping failure.

The owner will provide for proper maintenance of the tanks through continuous monitoring of the tank performance. This continuous monitoring, regular pumping and the addition of the containment structure should provide equivalent protection of the aquifer as it relates to other accepted practices.

The lines leading to and from the tanks will be secured by rigid connections. Additionally, the lines will be screened from public view for protection from vandalism.

* The licensing authority has issued a letter to the TWC stating that the use of holding tanks is the most appropriate method for this site. The tanks will be continuously monitored by the owner and pumped as necessary, with a notification to the pumper at approximately 80% tank full.

We are therefore requesting an exception to the Code based upon the above information and recommendations. It is our belief that the holding tanks are suitable for use on this site.

4. A discussion of the volume and character of stormwater runoff expected to occur. Show calculations for the volume. These should be based on the area and type of impermeable cover described above.
31 TAC §313.4(b)(A)(i).

The storm water pollutants will be similar in nature to those found on residential streets and parking lots. There are no other activities on the site that will generate other types of pollution conditions.

The pollutant loadings and removal techniques and rates have been computed using the Technical Guidelines as published by the LCRA. The following equation was used to determine the annual load characteristics.

$L = A \times RF \times Rv \times 0.2266 \times C$, where:

L is the Annual Pollutant Load in pounds
A is the developed area of the tract in acres
Rv is the runoff to rainfall ratio
0.2266 is a conversion factor
C is pollutant concentration in mg/L
RF is the annual rainfall = 32.5 in

using tables 3-1 and 3-2 of the guidelines:

Background Conditions -

Rv =	0.10		
C =	48	Total Suspended Solids(TSS)	L = 36.10 lb
=	0.08	Total Phosphorus(TP)	L = 0.06 lb
=	0	Oil and Grease(O&G)	L = 0 lb

Proposed Conditions -

Rv =	0.28		
C =	130	(TSS)	L = 91.14 lb
=	0.26	(TP)	L = 0.22 lb
=	15	(O&G)	L = 10.50 lb

Net Increase in Pollutant Load

TSS - 55.04 lb
TP - 0.16 lb
O&G - 10.50 lb

Based upon the minor increases in pollutant loading, a sedimentation/filtration pond and vegetative filtration strips will be adequate for the desired removal efficiencies. The pond and strips will be as shown on the plans with the calculations for removal efficiency to follow in subsequent sections.

5. Identify any potential sources of contamination. If there will be no potential sources of contamination state so here.

There are no sources of contamination other than that listed above.

6. State below if hydrocarbons or hazardous substance will be stored on this site?

YES OR NO? No

If yes, a separate application for Aboveground/
Underground Static Hydrocarbon and Hazardous Substance
Storage must be submitted.
31 TAC §313.10 or 31 TAC §313.11.

7. Describe measures that will be taken during construction and after the completion of construction to **prevent pollution of stormwaters** originating onsite (runoff from vegetated areas, paved surfaces, and parking lots) or upgradient from the site and flowing across the site. These measures should include but not be limited to erosion and sedimentation (E&S) controls. All temporary E&S controls must be located and labeled on the site plan/plan sheets.

Shown on the site plan are the silt fences to be used for control of storm water during the construction of the project. These controls are placed to capture the suspended solids during a rainfall event. The placement of these fences should be adequate to capture any storm water entering the site from up-gradient.

8. Description of measures that will be taken (during construction and upon completion of construction) to **prevent downgradient pollution by contaminated stormwater runoff from the site.** These measures should include but not be limited to erosion and sedimentation controls. Show and label E&S control measures for downgradient runoff on site plan.

Upon completion of the construction of the facilities shown on the site plan, the disturbed areas will be revegetated with native grasses. The silt fences shown for the temporary erosion control will not be removed until the establishment of vegetation.

The site has been divided into two areas for consideration of the type and location of permanent pollution control facilities. The upper one-half of the site drains into a sedimentation/filtration pond then onto a vegetative filter strip. The middle one-third drains only to a vegetative filter strip.

The vegetative filter strips currently exist on the down-gradient side of the proposed construction. The upper strip existing condition consists of an established ground slope of approximately 13% with established natural grasses. The grass is short and has approximately a 70% consistent coverage. The lower filter strip is established San Augustine grass on a 3% slope. This area has been created as a terrace for seating.

The stormwater exiting the improved facilities will traverse the upper and lower strips in a sheet flow manner through the use of a level spreader. The detail of the level spreader is as shown on the site plan.

The guidelines set forth in the LCRA publication recommend that a vegetative filter strip be the full width of the developed area and as deep as it is wide, i.e. a minimum length to width ratio of 1:1. As may be seen on the site plan the ratio for this site is approximately 1:1 for the upper area and 1/3:1 for the lower area. Accordingly, the effectiveness of the lower strip has been reduced in the subsequent calculations.

Based upon the presence of the pond, the aforementioned ratios and the removal efficiencies from the referenced publication, the following annual loads will be removed by the pond and filter strips:

Upper BMP's:

Total capture volume of pond is 1 1/2" of runoff.

Pollutant	Removal Efficiency	Load Removed
TSS	68%	61.90
TP	32%	0.07
O&G	29%	3.05

Filter Strip - slope = 13%, veg. = fair , A = .09ac

Pollutant	Load Removed
TSS	17.22
TP	0.03
O&G	2.97

Lower BMP:

Filter Strip - slope = 3%, veg. = good, A = .03ac

Pollutant	Load Removed
TSS	11.28
TP	0.02
O&G	1.29

The total load removed in pounds per year for the BMP's on this site is:

Pollutant	Load Removed
TSS	90.40
TP	0.12
O&G	7.31

Therefore it may be seen that the removal rate for the pond and vegetative filter strip is sufficient to provide for the removal of TSS, 75% of TP and 70% of O&G. An additional removal of the O&G will be evident due to the type of gravel parking that is proposed. It is anticipated that the O&G will attach to the limestone gravel and sediment out under the TSS criteria. These removal rates are within the target criteria.

- ☐ ☐ 9. Describe measures that will be taken to **prevent pollutants from entering any recharge features identified in the geologic assessment** while maintaining or enhancing the quality of water entering the feature(s).

There are no recharge features immediately down-gradient of the site as shown in the geologic assessment.

- ☐ ☐ 10. Describe the measures that will be taken to **prevent pollutants from entering any recharge feature(s) identified during excavation, blasting, or other construction operations** while maintaining or enhancing the quality of water entering the recharge feature(s).

During the course of construction, should any recharge features be discovered, the owner shall contact this engineer and the TWC. A meeting and investigation shall be held on-site to determine the extent of measures to be performed to protect said feature.

- ☐ ☐ 11. Will there be any waste disposal wells regulated under 31 TAC §331 of this title relating to Underground Injection Control?

YES OR NO? No

- ☐ ☐ 12. Will there be any new feedlot/concentrated animal feeding operations?

YES OR NO? No

13. Will there be any land disposal of Class I wastes, as defined in 31 TAC §335.1.

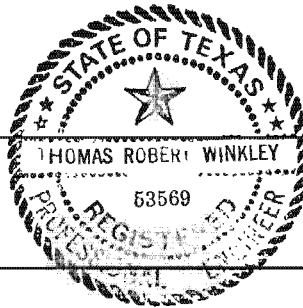
YES OR NO? No

14. Indicate below the source of the potable water supply for the site.

The water supply will be through the existing on site well.

This water pollution plan application was prepared by:

Thomas R. Winkley, P.E.
Winkley/Alexander, Inc.
1101 Hwy 360 South, E230
Austin, Texas 78746
Print Name



TC Winkley
Signature

for

Clay Kutscher
1375 Edward's Blvd.
New Braunfels, Texas 78130

Applicant

for

Clay's Landing
1375 Edward's Blvd.
New Braunfels, Texas 78130

Project Name

**GEOLOGIC ASSESSMENT FOR
WATER POLLUTION ABATEMENT PLAN
Pursuant to 31 TAC 313.4(b)(4)**

Name of Project: CLAY'S LANDING

Location: 1375 EDWARDS BLVD.
NEW BRAUNFELS, TEXAS

Street Address: 1375 EDWARDS BLVD.
City: NEW BRAUNFELS
State Zip: TEXAS

Use this form or a copy of it. Your client's water pollution abatement plan will be returned if all items on this form are not adequately addressed.

Indicate below if this project is located over the Recharge Zone or the Transition Zone.

Project is located over the recharge zone.

If the project is to be located over the Recharge Zone, was a Water Pollution Abatement Plan required and was a geologic assessment prepared?

Yes.

If the answer to both questions was yes, give the name of the WPAP which was submitted below.

Clay's Landing.

Answer all questions. Space for answers exist between questions. If some items do not apply, provide an explanation. The comments "Not applicable" or "See Item XX above" are not acceptable. Answer all questions. The comment "See attached...." is only valid for referencing required plans or maps. Your client's water pollution abatement plan will be returned if all items on this form are not adequately addressed.

DO NOT WRITE IN SHADED AREAS. FOR TWC USE ONLY

SB NA SB = SUBMITTED NA = NOT AVAILABLE

This geologic assessment must include a geologic map, at the same scale as the site plan, showing the outcrops of the surface geologic units, faults, fracture zones, and significant recharge features (specifically identifying caves, sinkholes, and other features).

The geologic map shall have a minimum scale of 1 inch = 400 feet. Indicate the site plan and geologic map scales below.

Site plan and site geologic map (Scale 1" = 100').

Flood plain geologic map (Scale 1" = 400').

- ☐ ☐ 1. The project site and the area downgradient from the site which is in the 100 year floodplain for a distance of one mile or to the boundary of the recharge zone should be indicated on the geologic map. Attach the geologic map following this section.

See attached Plate 4-1.

- ☐ ☐ 2. Indicate the source of your 100 year floodplain information below and if the project site is within this floodplain.

Flood Insurance Rate Map 485463 0105 C (1986) and

Flood Insurance Rate Map 485493 0006 C.

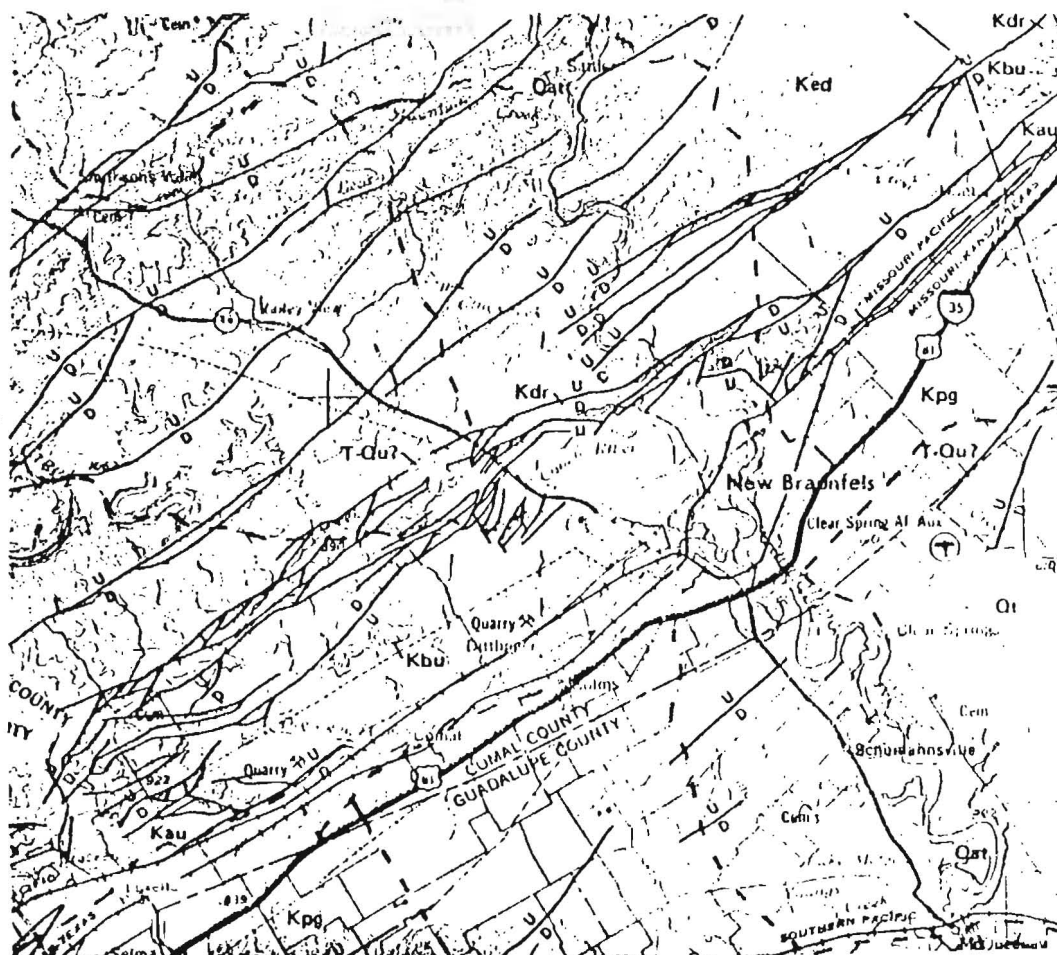
The northern boundary of the site lies within the floodplain (Topographic survey by Craig Hollmig).

- ☐ ☐ 3. Indicate below if the 100 year floodplain exist within a distance of one mile downgradient of the project.

Yes.

- ☐ ☐ 4. Where the 100 year floodplain has not been delineated, the applicant or applicant's agent shall delineate the 100 year floodplain.

☐ ☐ Provide all applicable data and calculations used to make such a delineation below or attach a sheet containing this information directly behind this page.



Qal Alluvium
 Qat Low terrace deposit
 Kkmm Marlbrook Marl
 Kpg Pecan Gap Chalk
 Kau Austin Chalk
 Kef Eagle Ford Group

Kbu Buda Limestone
 Kdr Del Rio Clay
 Ked Edwards Limestone
 Kgru Glen Rose Formation (Upper)
 Kgrl Glen Rose Formation (Lower)
 U Fault
 D

ADAPTED FROM GEOLOGIC ATLAS OF TEXAS
 SAN ANTONIO SHEET 1974

SCALE 1 : 250,000



GEO / CONSUL	
Geological & Environmental Consultants	
PROJECT: CLAY'S LANDING	
SHEET TITLE: AREA GEOLOGIC MAP	
DES BY	SCALE:
DR BY	PROJECT NO.
CHK BY	SHEETS OF SHEETS
APP BY	PLATE
DATE ISSUED:	3-1
PURPOSE:	

A Geologic Assessment is required for the installation of a hydrocarbon and hazardous substance (HHS) storage facility (eg. aboveground and underground gasoline tanks). Does this project include an HHS?

This project does not include a HHS facility.

If this project includes an Aboveground and/or an Underground HHS, a separate application is required under 31 TAC §313.10 or 31 TAC §313.11.

5. Provide a Stratigraphic Column below or inserted directly behind this page showing the formations at the site and their thicknesses; and the lithologic features, members, and their thicknesses.

See attached stratigraphic column Table 3-1.

6. List below or on an attached sheet the surface geologic units (Eg: Edwards Limestone, Del Rio Clay, etc.).

The Edwards Limestone is the only unit exposed at the site or in the floodplain downstream.

7. Describe below or attach sheet behind this page the **lithology** (Limestone, sandstone, clay, etc.) of surface geologic units.

The Edwards limestone underlies the soils at the site and also is naturally exposed at the surface in a northerly facing bluff adjacent to the Guadalupe River. The Edwards exposed at the surface consists of thick bedded fractured limestones occasionally interbedded with thin "honey-combed" limestone beds.

8. Describe below the **structural features** (Faults, fractures, fracture densities, etc.) of surface geologic units which were noted during the geologic investigation.

Two distinct fracture trends were noted in the exposed rock. These fracture trends were northwestward (North 30 to 50 degrees West) and northeastward (North 20 to 30 degrees East).

Table 3-1
Geologic Stratigraphic Column

System	Local Series	Series	Stage	Group	Formation	Thickness (feet)
QUATERNARY					Alluvium	0-30
CRETACEOUS	Gulf	Upper Cretaceous	Senonian		Taylor	100-400
					Austin	350-500
			Turonian		Eagle Ford	30-75
			Cenomanian		Buda	60-100
					Del Rio	60-120
					Georgetown	15-50
	Comanche	Lower Cretaceous	Albian	Edwards	Person	130-180
					Kainer	230-285
					Walnut	30-50
					Glen Rose	900

9. Provide below a narrative description of **soils**. Include the location, thickness, and hydrologic characteristic (sandy, clayey, etc.) of each soil which exists at the site.

The soils mapped at the site are assigned to the Brackett Rock outcrop complex (BtD). The complex consists of shallow loamy soils and rock outcrop on uplands of the Edwards limestone. Typically, the surface layer of the Brackett soil is a grayish brown gravelly clay loam about six (6) inches thick. The subsoil extends to a depth of approximately 17 inches and is typically very pale brown and pale yellow gravelly clay loam. The permeability is reportedly to be moderately slow in the Brackett soil. The underlying material is weakly cemented limestone interbedded with layers of indurated limestone.

10. Provide a narrative description of the **potential recharge features** (such as but not limited to sinkholes, caves, faults, sags, fractures, solution zones, and reef deposits) which exist onsite and downgradient of the project. Number the features and indicate the type, location, size, character of the area draining the feature, and an assessment of the **sensitivity** of each potential recharge feature.

No significant karst features were found to exist on the site. However, the rock is highly fractured which can be attributed to tectonic events which created the Balcones fault zone and to more recent stress relief due to exposure by the Guadalupe River. Two distinct fracture trends were noted in the exposed rock. These fracture trends (Feature No. 1) were northwestward (North 30 to 50 degrees West) and northeastward (North 20 to 30 degrees East).

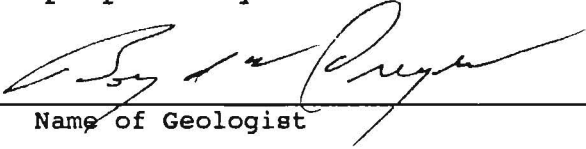
Minor bedding plane solution features "honey-combed" beds (Feature No. 2) were found at the base of the thick limestone beds which form two (2) distinct benches in the rock exposure adjacent to the Guadalupe River. The rock is exposed from an approximate elevation of 620 to 645 feet. The flood plain elevation is mapped at an elevation of 628 feet.

Surface drainage of the site is to the Guadalupe River and the most likely path of infiltration of precipitation into the soils and the fractured limestone would also be to the Guadalupe River. Due to the site draining directly to the Guadalupe River, and dangerous flow conditions, at the time of the investigation, no survey was conducted to determine karst features in the drainage path.

Locate each of the numbered features on the attached geologic map and identify the location of each with the number corresponding to the description.

See the attached Site Plan and Site Geologic Map.
This geologic assessment was prepared by:

Boyd V. Dreyer CPG #3989



Name of Geologist

representing:

GEO/CONSUL, 12520 Taylor Dr., Buda, Texas 78610

Geologic Consulting Company

for:

Clay's Landing

Name of Project