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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 5, 2015

Ms. Laurie MacBean  
Oakwood Manor LLC  
2280 FM-2722  
New Braunfels, Texas 78132-2813

Re: Edwards Aquifer, Comal County

NAME OF PROJECT: **FM-2722 5 Acre Tract**; Located on east side of FM-2722 approximately 2 miles north of intersection with SR-46; outside the extra-territorial jurisdiction of New Braunfels, Texas

TYPE OF PLAN: Request for Approval of a **Water Pollution Abatement Plan (WPAP)**; 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer

Investigation No. 1203287; Regulated Entity No. RN 107762924; Additional ID No. 13-14100701

Dear Ms. MacBean:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP application for the above-referenced project submitted to the San Antonio Regional Office by Moeller and Associates on behalf of Oakwood Manor, LLC on October 7, 2014. Final review of the WPAP was completed after additional material was received on December 23, 2014, January 6, 2015 and January 28, 2015. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) were selected 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 23 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.*

### PROJECT DESCRIPTION

The proposed single-family residential development project will have an area of approximately 5.85 acres. It will include the addition of 18 individual 640-sq. ft. single-family dwellings and

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asphalt streets. The impervious cover will be 1.05 acres (18.0 percent). According to a letter dated, December 15, 2014, signed by Mr. Robert Boyd, P.E., with Comal County, the site in the development is acceptable for the use of on-site sewage facilities.

#### PERMANENT POLLUTION ABATEMENT MEASURES

This single-family residential project will not have more than 20 percent impervious cover.

#### GEOLOGY

According to the geologic assessment included with the application, the site is located entirely on the Kainer Formation of the Edwards Group. The San Antonio Regional Office site assessment conducted on December 8, 2014 revealed that the site was generally as described in the geologic assessment.

One (1) sensitive manmade feature was noted in the assessment by the project geologist. The sanitary setback for feature S-1 (existing water well) will be 50 feet in all directions.

#### SPECIAL CONDITIONS

- I. Since this project will not have more than 20 percent impervious cover, an exemption from additional permanent BMPs is approved. If the percent impervious cover ever increases above 20 percent or the land use changes, the exemption for the whole site as described in the property boundaries required by §213.4(g), may no longer apply and the property owner must notify the appropriate regional office of these changes.

#### STANDARD CONDITIONS

1. Pursuant to Chapter 7 Subchapter C of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.
2. The holder of the approved Edwards Aquifer Protection Plan must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the approved plan. Additional and separate approvals, permits, registrations and/or authorizations from other TCEQ Programs (i.e., Stormwater, Water Rights, UIC) can be required depending on the specifics of the plan.
3. In addition to the rules of the Commission, the applicant may also be required to comply with state and local ordinances and regulations providing for the protection of water quality.

#### Prior to Commencement of Construction:

4. 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 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.
5. 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.

6. 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.
7. 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 program ID 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.
8. 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.
9. 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:

10. 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.
11. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 6, above.
12. 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 the 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.
13. Only one (1) well exists on 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.

14. 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.
15. Intentional discharges of sediment laden water are not allowed. If dewatering becomes necessary, the discharge will be filtered through appropriately selected best management practices. These may include vegetated filter strips, sediment traps, rock berms, silt fence rings, etc.
16. 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.
17. 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:

18. 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.
19. 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.
20. 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.
21. 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.

Ms. Laurie MacBean

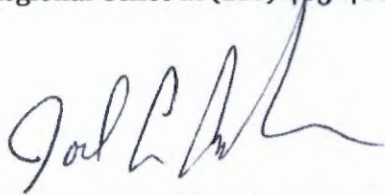
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22. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the aquifer is protected from potential contamination.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality. If you have any questions or require additional information, please contact Mr. Ricardo Macias of the Edwards Aquifer Protection Program, San Antonio Regional Office at (210) 403-4065.

Sincerely,



*for*  
Lynn M. Bumguardner Water Section Manager  
San Antonio Region Office  
Texas Commission on Environmental Quality

LMB/RAM/eg

Enclosure: Deed Recordation Affidavit, Form TCEQ-0625

cc:

Mr. Shane Klar, P.E., Moeller and Associates

Mr. James C. Klein, P.E., City Engineer

Mr. Thomas H. Horseth, P.E., Comal County Engineer

Mr. Roland Ruiz, Edwards Aquifer Authority

TCEQ Central Records, Building F, MC 212

**Water Pollution Abatement Plan Application**  
 for Regulated Activities  
 on the Edwards Aquifer Recharge Zone  
 and Relating to 30 TAC §213.5(b), Effective June 1, 1999

REGULATED ENTITY NAME: FM 2722 5 AC Tract

**REGULATED ENTITY INFORMATION**

1. The type of project is:  
 Residential: # of Lots:  
 Residential: # of Living Unit Equivalents: 18  
 Commercial  
 Industrial  
 Other: \_\_\_\_\_
2. Total site acreage (size of property): 5.85
3. Projected population: 45
4. The amount and type of impervious cover expected after construction are shown below:

Impervious Cover of Proposed Project	Sq. Ft.	Sq. Ft./Acre	Acres
Structures/Rooftops	17,180	÷ 43,560 =	0.39
Parking		÷ 43,560 =	
Other paved surfaces	28,761	÷ 43,560 =	0.66
Total Proposed Impervious Cover	45,941	÷ 43,560 =	1.05
Total Proposed Impervious Cover ÷ Total Acreage x 100 =			18.0%

5.  **ATTACHMENT A - Factors Affecting Water Quality.** A description of any factors that could affect surface water and groundwater quality is provided at the end of this form.
6.  Only inert materials as defined by 30 TAC §330.2 will be used as fill material.

**FOR ROAD PROJECTS ONLY**

Complete questions 7-12 if this application is exclusively for a road project.

7. Type of project:  
 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.
8. Type of pavement or road surface to be used:  
 Concrete  
 Asphaltic concrete pavement  
 Other: \_\_\_\_\_



- The SCS was submitted with this application.
- The SCS will be submitted at a later date. The owner is aware that the SCS may not be installed prior to Executive Director approval.

The sewage collection system will convey the wastewater to the \_\_\_\_\_  
 (name) Treatment Plant. The treatment facility is:  
 existing.  
 proposed.

16.  All private service laterals will be inspected as required in 30 TAC §213.5.

**SITE PLAN REQUIREMENTS**

**Items 17 through 27 must be included on the Site Plan.**

17. The Site Plan must have a minimum scale of 1" = 400'.  
 Site Plan Scale: 1" = 50'.
18. 100-year floodplain boundaries  
 Some part(s) of the project site is located within the 100-year floodplain. The floodplain is shown and labeled.  
 No part of the project site is located within the 100-year floodplain.

The 100-year floodplain boundaries are based on the following specific (including date of material) sources(s):

\_\_\_\_\_

\_\_\_\_\_

19.  The layout of the development is shown with existing and finished contours at appropriate, but not greater than ten-foot contour intervals. Show lots, recreation centers, buildings, roads, etc.  
 The layout of the development is shown with existing contours. Finished topographic contours will not differ from the existing topographic configuration and are not shown.
20. All known wells (oil, water, unplugged, capped and/or abandoned, test holes, etc.):  
 There are 1 (#) wells present on the project site and the locations are shown and labeled. (Check all of the following that apply)  
 The wells are not in use and have been properly abandoned.  
 The wells are not in use and will be properly abandoned.  
 The wells are in use and comply with 30 TAC §238.  
 There are no wells or test holes of any kind known to exist on the project site.

21. Geologic or manmade features which are on the site:  
 All **sensitive** geologic or manmade features identified in the Geologic Assessment are shown and labeled.  
 No **sensitive** geologic or manmade features were identified in the Geologic Assessment.  
 **ATTACHMENT D - Exception to the Required Geologic Assessment.** An exception to the Geologic Assessment requirement is requested and explained at the end of this form.

22.  The drainage patterns and approximate slopes anticipated after major grading activities.

23.  Areas of soil disturbance and areas which will not be disturbed.



- 24.  Locations of major structural and nonstructural controls. These are the temporary and permanent best management practices.
- 25.  Locations where soil stabilization practices are expected to occur.
- 26.  Surface waters (including wetlands).
- 27.  Locations where stormwater discharges to surface water or sensitive features.  
 There will be no discharges to surface water or sensitive features.

**ADMINISTRATIVE INFORMATION**

- 28.  Submit one (1) original and one (1) copy of the application, plus additional copies as needed for each affected incorporated city, groundwater conservation district, and county in which the project will be located. The TCEQ will distribute the additional copies to these jurisdictions. The copies must be submitted to the appropriate regional office.
- 29.  Any modification of this WPAP will require Executive Director approval, prior to construction, and may require submission of a revised application, with appropriate fees.

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. This **WATER POLLUTION ABATEMENT PLAN APPLICATION FORM** is hereby submitted for TCEQ review and Executive Director approval. The form was prepared by:

Shane Klar, P.E.  
Print Name of Customer/Agent

  
Signature of Customer/Agent

1/28/15  
Date

