

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



TEXAS WATER COMMISSION

PROTECTING TEXANS' HEALTH AND SAFETY BY PREVENTING AND REDUCING POLLUTION

April 14, 1992

Ms. Suzie Simpson
1295 Edwards Blvd.
New Braunfels, Texas 78131

Re: EDWARDS AQUIFER, Comal County
PROJECT: Bungy Over Texas, Preiss Heights Subdivision,
TYPE: Request for Approval of Water Pollution Abatement
Plan (WPAP); 31 Texas Administrative Code (TAC)
Section 313.4

Dear Ms. Simpson:

We have completed our Texas Water Commission (TWC) review of the WPAP for the referenced proposed project that was submitted by MBC Engineers on behalf of JFF Enterprises to the District 8 Office on November 12, 1991, received by our Watershed Management Division in Austin on November 18, 1991 and returned to the district office on January 7, 1992. Additional information was requested by letter dated January 13, 1992. Your response was received on March 20, 1992. The proposed Bungy Over Texas is to be located at 1295 Edwards Boulevard, New Braunfels, Texas.

We are aware that this facility was completed prior to receiving approval from the Texas Water Commission. We will not pursue enforcement proceedings at this time. This is not intended to establish a precedent, however, and any future activities covered by 31 TAC Chapter 313 that are authorized and/or initiated by Ms. Suzie Simpson and/or employees of JFF Enterprises prior to obtaining Texas Water Commission approval will result in a notice of violation and the possibility of administrative penalties, for which culpability will be assessed on a cumulative basis - that is, with consideration to this violation. Section 26.123 (b) of the Texas Water Code authorizes penalties of up to \$10,000 per day for infractions of the Edwards Aquifer protection rules.

PROJECT DESCRIPTION:

The project consists of a boom constructed for recreational purposes, an office, and a parking lot on one 0.77 acre lot. The boom projects from a cliff overlooking the Guadalupe River and provides a means by which people can jump from the boom towards the river. A bungy cord is attached to each jumper with a harness. The projected population is three to five full time employees and zero to 300 customers per day. Impervious cover consists of one-500 square foot office

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

building. The remainder of the 0.77 acres is covered with crushed rock and used for customer parking. No organized sewage collection system is proposed. There will be no hydrocarbon or hazardous substance storage tanks on site.

Potable water is supplied to the site by bottled water purchased by the owner.

All wastewater generated from the site will be domestic in nature. Due to the nature of the project the volume of wastewater to be generated was not calculated or estimated. From information supplied in the application and field observations two on-site portable toilets average one collection per week. From this information it is estimated that less than 50 gallons of waste water is generated per week.

Stormwater generated from the site will be typical of that from a parking area and roof. Stormwater will drain to the south into a drainage channel along the southern edge of the project. Stormwater will also drain to the east onto the yard of the adjacent residential property. Total stormwater runoff will be at the rate of 2.7 cubic feet per second, based on a 10 minute time of concentration for a 10 year frequency storm.

During construction natural grass cover down-gradient of the site was retained which provided some mitigation for pollution of stormwater originating on site or up-gradient from the site and potentially flowing across and off the site.

After completion of construction, base material on the parking lot is intended to serve as a sediment trap and velocity attenuator to prevent pollution of stormwater originating on site or up-gradient from the site and potentially flowing across and off the site. Also, a daily cleanup of trash and debris at the site will be performed.

During the inspection of June 28, 1991 no recharge features were observed on-site or within 200 feet downgradient of the site.

APPROVAL:

The plan for this development has been reviewed for compliance with 31 TAC Section 313.4 which sets forth pollution abatement criteria for development located on the recharge zone of the Edwards Aquifer. The proposed pollution abatement activities are in general agreement with 31 TAC Section 313.4, and approval of the development is hereby granted with the conditions listed below.

1. 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.
2. 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.
3. During the course of construction related to the referenced regulated development, the owner/developer shall comply with all applicable provisions of 31 TAC Section 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, JFF Enterprises, 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.
4. 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 Section 287.50(a) of this title (relating to Standards for Plugging Wells that Penetrate Undesirable Water Zones), or an equivalent method, as approved by the Executive Director. Pursuant to 31 TAC Section 287.48(e), the person that plugs such a well shall, within 30 days after plugging is complete, submit a Water Well Completion and Plugging Report to the Executive Director, through the District 8 Office.

Any drill holes resulting from core sampling on-site or down-gradient of the site shall be plugged with concrete, 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.

5. Please be reminded that 31 TAC Section 313.4 (c) requires the owner/developer to: (1) record in the county deed records that this property is subject to the approved WPAP; (2) within 30 days of receiving written notice of approval of the water pollution abatement plan from the

Executive Director, submit to the Executive Director proof of application for recordation of notice in the county deed records; and (3) prior to commencing construction, submit to the appropriate district office proof of application for recordation of notice in the county deed records. Enclosed is a suggested format you may wish to use to deed record your approved WPAP.


6. Also, 31 TAC Section 313.4 (d) (2) requires that if any significant recharge features, such as solution openings or sinkholes, are discovered during construction or core sampling, all regulated activities near the significant recharge feature must be immediately suspended and may not proceed 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 located at 140 Heimer Road, Suite # 360, San Antonio, Texas, 78232-5028, telephone (512) 490-3096.
7. Any substantial modification, as outlined in 31 TAC Section 313.4 (e), to this approved WPAP must be reported to the District 8 Office and approved by the Executive Director.
8. Please note that 31 TAC Section 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 development.
9. Within three (3) months of receipt of this approval,
 - A. Construct and maintain a 10-foot wide greenbelt along the east side of the site to provide on-site filtration for stormwater runoff from the parking lot, or
 - B. Submit design plans for permanent filtration for stormwater runoff from the parking lot.
10. Wastewater generated by this project is to be collected by a licensed waste hauler and disposed of properly. If the owner intends to install a septic tank on this 0.77 acre lot an exception request must be submitted to the Texas Water Commission for review. The request must be accompanied by a written statement from the appropriate licensing authority, stating that the land is suitable for the use of private sewage facilities.

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Failure to comply with any of the aforementioned conditions, deed recordation requirements, or any other specific conditions of approval is a violation of these rules. Pursuant to Section 26.136 of the Texas Water Code, violations of these rules may result in administrative penalties of up to \$10,000 for each act of violation and for each day of violation.

If you have any questions or require additional information, please contact John Mauser at this San Antonio office, (512) 490-3096.

Sincerely,


Billy H. Boggs,
District Manager for

Jesús Garza,
Executive Director

Enclosure

cc: MBC Engineers
Mike Shands, Director of Planning, City of New Braunfels
Fred R. Clark, County Judge, Comal County
Monica M. Wallace, Comal County Office of Environmental Health
Russell L. Masters, Edwards Underground Water District
Rob Conti, Edwards Aquifer Coordinator, Texas Water Commission
TWC Central Records (with enclosure)