

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



RECEIVED
SEP 22 2000
COUNTY ENGINEER

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

September 18, 2000

TNRCC
Corresp.

Mr. Brad Galo
Laredo Mesa Grande, Ltd.
18750 Stone Oak Parkway
San Antonio, TX 78258

Re: Edwards Aquifer, File No. 1513.00, Comal County
NAME OF PROJECT: Regency Oaks Subdivision Unit 2; Located on west side of FM 2252,
approximately ¼ mile north of FM 3009; Garden Ridge, Texas
TYPE OF PLAN: Request for Exception; 30 Texas Administrative Code (TAC) Chapter 213
Edwards Aquifer

Dear Mr. Galo:

The Texas Natural Resource Conservation Commission (TNRCC) has completed its review of the request for exception for the referenced project submitted to the San Antonio Regional Office by Ms. Susan Landreth, P.E., of M. W. Cude Engineers, LLC on behalf of Laredo Mesa Grande, Ltd. on June 14, 2000. Final review of the request for exception was completed after additional material was received on August 25, 2000.

The request for exception proposed in the submittal is in general compliance with 30 TAC § 213.9; therefore, approval of the plan is hereby granted subject to applicable state rules and the conditions in this approval letter. *This approval expires two (2) years from the date of this approval unless, prior to the expiration date, construction has commenced on the project or an extension of time has been requested.*

Under 30 TAC §213.9(a),

Exceptions to any substantive provision of this chapter related to the protection of water quality may be granted by the executive director **if the requestor can demonstrate equivalent water quality protection for the Edwards Aquifer**. Requests for exceptions will be reviewed by the executive director on a case-by-case basis. Prior approval under this section must be obtained for the exception to be authorized.

PROJECT DESCRIPTION

The proposed residential project will be composed of Lot 22 (1.15 acres) and Lot 23 (1.09 acres), and have an area of 2.24 acres. At this time no construction is planned on either lot. Under 30 TAC §213.5(h)(2), an individual land owner who seeks to construct their own single-family residence or associated residential structures on the site is exempt from the Edwards Aquifer protection plan application requirements under

REPLY TO: REGION 13 • 140 HEIMER RD., STE. 360 • SAN ANTONIO, TEXAS 78232-5042 • 210/490-3096 • FAX 210/545-4329

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: www.tnrcc.state.tx.us

printed on recycled paper using soy-based ink

Mr. Brad Galo
September 18, 2000
Page 2

this section, provided they do not exceed 20 percent impervious cover on the site. It will be the responsibility of the future owners to comply with the 30 TAC §213.5(h)(2). Wastewater is to be disposed of by on-site sewage facilities.

PERMANENT POLLUTION ABATEMENT MEASURES

To prevent pollution of stormwater runoff originating on-site or up-gradient of the site and potentially flowing across and off the site after construction, total impervious cover on each lot will be less than 20 percent.

SPECIAL CONDITIONS

- I. This letter supercedes the letter dated September 11, 2000 (Enclosed).
- II. Since this residential project will have not more than 20% impervious cover, an exemption from permanent BMPs is approved. If the percent impervious cover ever increases above 20% 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 San Antonio Regional Office of these changes.
- III. It will be the responsibility of the future owners to comply with the 30 TAC §213.5(h)(2).
- IV. Prior to construction, a letter from the Comal County Engineer or Sanitarian stating that the lots in the development are acceptable for the use of on-site sewage facilities.

STANDARD CONDITIONS FOR EXCEPTION

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

Prior to Commencement of Construction:

2. Within 60 days of receiving written approval of an Edwards Aquifer protection plan, the applicant must submit to the San Antonio Regional Office, proof of recordation of notice in the county deed records, with the volume and page number(s) of the county deed records of the county in which the property is located. A description of the property boundaries, covered by the Edwards Aquifer protection plan, shall be included in the deed recordation in the county deed records. A suggested form (Deed Recordation Affidavit, TNRCC-0625) that you may use to deed record the approved WPAP is enclosed.
3. 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.

4. The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation of the referenced project. Notification must be submitted to the San Antonio Regional Office no later than 48 hours prior to commencement of the regulated activity. Written notification must include the date on which the regulated activity will commence, the name of the approved plan and file number for the regulated activity, and the name of the prime contractor with the name and telephone number of the contact person. The executive director will use the notification to determine if the approved plan is eligible for an extension of an approved plan.

During Construction:

5. During the course of regulated activities related to this project, the applicant or his 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.
6. If any sensitive feature 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 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.
7. 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%. Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls, picked up daily).
8. 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.
9. 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:

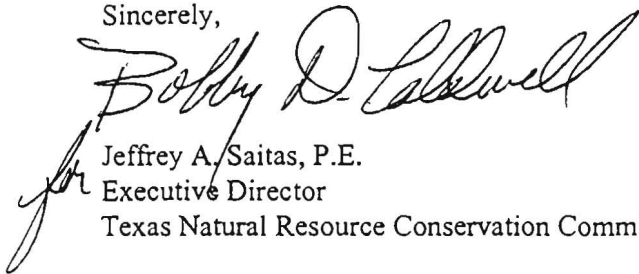
10. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, a new Edwards Aquifer protection plan that specifically addresses the new activity 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.

Mr. Brad Galo
September 18, 2000
Page 4

11. An Edwards Aquifer protection plan approval or extension will expire and no extension will be granted if more than 50% 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.
12. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the aquifer is protected from potential contamination.

If you have any questions or require additional information, please contact John Mauser of the San Antonio Regional Office at 210/403-4024.

Sincerely,



Jeffrey A. Saitas, P.E.
Executive Director
Texas Natural Resource Conservation Commission

JAS/JKM/eg

Enclosure: Letter dated 9/11/00
Deed Recordation Affidavit, Form TNRCC-0625
Change in Responsibility for Maintenance or Permanent BMPs-Form TNRCC-10263

cc: Ms. Susan Landreth, M. W. Cude Engineers, LLC
Mr. Jay Feibelman, City of Garden Ridge
Mr. Tom Hornseth, Comal County
Mr. Greg Ellis, Edwards Aquifer Authority
TNRCC Field Operations, Austin

RECEIVED
JUN 14 2000
SAN ANTONIO

REGENCY OAKS SUBDIVISION UNIT 2

**PREPARED
FOR
LAREDO MESA GRANDE, LTD.**

***PREPARED BY:
M.W. CUDE ENGINEERS, L.L.C.
10325 BANDERA ROAD
SAN ANTONIO, TEXAS 78250***

June, 2000

GENERAL INFORMATION FORM
FOR REGULATED ACTIVITIES ON THE
EDWARDS AQUIFER RECHARGE AND TRANSITION ZONES
AND RELATING TO 30 TAC §213.4(b) & §213.5(b)(2)(A), (B)
EFFECTIVE JUNE 1, 1999

PROJECT NAME: Regency Oaks Subdivision Unit 2
COUNTY: Comal STREAM BASIN: Dry Comal Creek

EDWARDS AQUIFER: ☒ RECHARGE ZONE
☐ TRANSITION ZONE

PLAN TYPE: ☒ WPAP ☐ AST ☒ EXCEPTION
☐ SCS ☐ UST ☐ MODIFICATION

APPLICANT INFORMATION

1. Applicant:

Contact Person: Brad Galo
Entity: Laredo Mesa Grande, Ltd.
Mailing Address: 18750 Stone Oak Parkway
City, State: San Antonio, Texas Zip: 78258
Telephone: (210) 497-3385 FAX: (210) 495-2587

2. Agent/Representative (If any):

Contact Person: Susan D. Landreth, P.E.
Entity: M. W. Cude Engineers, L.L.C.
Mailing Address: 10325 Bandera Road
City, State: San Antonio, Texas Zip: 78250
Telephone: 210-681-2951 FAX: 210-253-7112

PROJECT LOCATION

3. Site Address: N/A
Street: F.M. 2252
City: Garden Ridge, Texas Zip: 78266

4. ☒ This project is inside the city limits of Garden Ridge.
☐ This project is outside the city limits but inside the ETJ (extra-territorial jurisdiction) of _____
☐ This project is not located within any city's limits or ETJ.

5. The location of the project site is described below. The description provides sufficient detail and clarity so that the TNRCC's Regional staff can easily locate the project and site boundaries for a field investigation.

The site is located along the West side of F.M. 2252, 1/4 mile north of F.M. 3009.

6. ☒ **ATTACHMENT A - ROAD MAP.** A road map showing directions to and the location of the project site is attached at the end of this form.

7. ☒ **ATTACHMENT B - USGS / EDWARDS RECHARGE ZONE MAP.** A copy of the official 7 ½ minute USGS Quadrangle Map (Scale: 1" = 2000') of the Edwards Recharge Zone is attached behind this sheet. The map(s) should clearly show:

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

8. ☒ Sufficient survey staking is provided on the project to allow TNRCC regional staff to locate the boundaries and alignment of the regulated activities and the geologic or manmade features noted in the Geologic Assessment. **The TNRCC must be able to inspect the project site or the application will be returned.**

9. ☒ **ATTACHMENT C - PROJECT DESCRIPTION.** Attached at the end of this form is a detailed narrative description of the proposed project.

10. Existing project site conditions are noted below:

- ☐ Existing commercial site
- ☐ Existing industrial site
- ☐ Existing residential site
- ☐ Existing paved and/or unpaved roads
- ☐ Undeveloped (Cleared)
- ☒ Undeveloped (Undisturbed/Uncleared)
- ☐ Other:

PROHIBITED ACTIVITIES

11. ☒ I am aware that the following activities are prohibited on the **Recharge Zone** and are not proposed for this project:

- (1) waste disposal wells regulated under 30 TAC Chapter 331 of this title (relating to Underground Injection Control);
- (2) new feedlot/concentrated animal feeding operations, as defined in 30 TAC §213.3;
- (3) land disposal of Class I wastes, as defined in 30 TAC §335.1;
- (4) the use of sewage holding tanks as parts of organized collection systems; and
- (5) new municipal solid waste landfill facilities required to meet and comply with Type I standards which are defined in §330.41(b), (c), and (d) of this title (relating to Types of Municipal Solid Waste Facilities).

12. ☒ I am aware that the following activities are prohibited on the **Transition Zone** and are not proposed for this project:

- (1) waste disposal wells regulated under 30 TAC Chapter 331 (relating to Underground Injection Control);
- (2) land disposal of Class I wastes, as defined in 30 TAC §335.1; and
- (3) new municipal solid waste landfill facilities required to meet and comply with Type I standards which are defined in §330.41 (b), (c), and (d) of this title.

ADMINISTRATIVE INFORMATION

13. The fee for the plan(s) is based on:

- ☐ For a Water Pollution Abatement Plan and Modifications, the total acreage of the site where regulated activities will occur.
- ☐ For an Organized Sewage Collection System Plans and Modifications, the total linear footage of all collection system lines.
- ☐ For a UST Facility Plan or an AST Facility Plan, the total number of tanks or piping systems.
- ☐ A Contributing Zone Plan.
- ☒ A request for an exception to any substantive portion of the regulations related to the protection of water quality.
- ☐ A request for an extension to a previously approved plan.

14. Application fees are due and payable at the time the application is filed. If the correct fee is not submitted, the TNRCC is not required to consider the application until the correct fee is submitted. Both the fee and the Edwards Aquifer Fee Form have been sent to the Commission's:

- ☐ TNRCC cashier
- ☐ Austin Regional Office (for projects in Hays, Travis, and Williamson Counties)
- ☒ San Antonio Regional Office (for projects in Bexar, Comal, Kinney, Medina, and Uvalde Counties)

15. ☒ Submit one (1) original and three (3) copies of the completed application to the appropriate regional office for distribution by the TNRCC to the local municipality or county, groundwater conservation districts, and the TNRCC's Central Office.

16. ☒ No person shall commence any regulated activity until the Edwards Aquifer Protection Plan(s) for the activity has been filed with and approved by the executive director.
☐ No person shall commence any regulated activity until the Contributing Zone Plan for the activity has been filed with the executive director.

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 **GENERAL INFORMATION FORM** is hereby submitted for TNRCC review. The application was prepared by:

Brad Galo

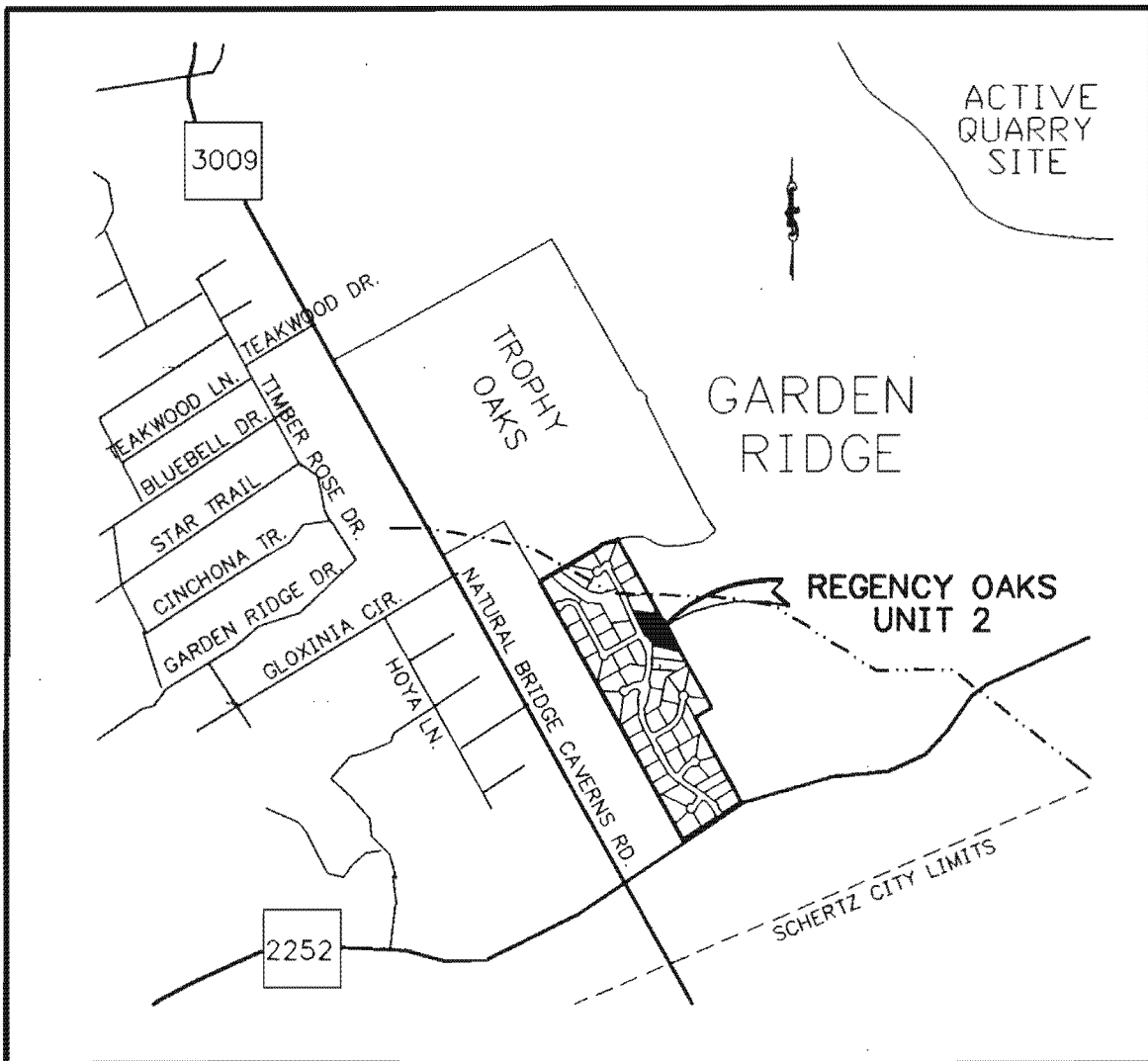
Print Name of Applicant/Owner/Agent



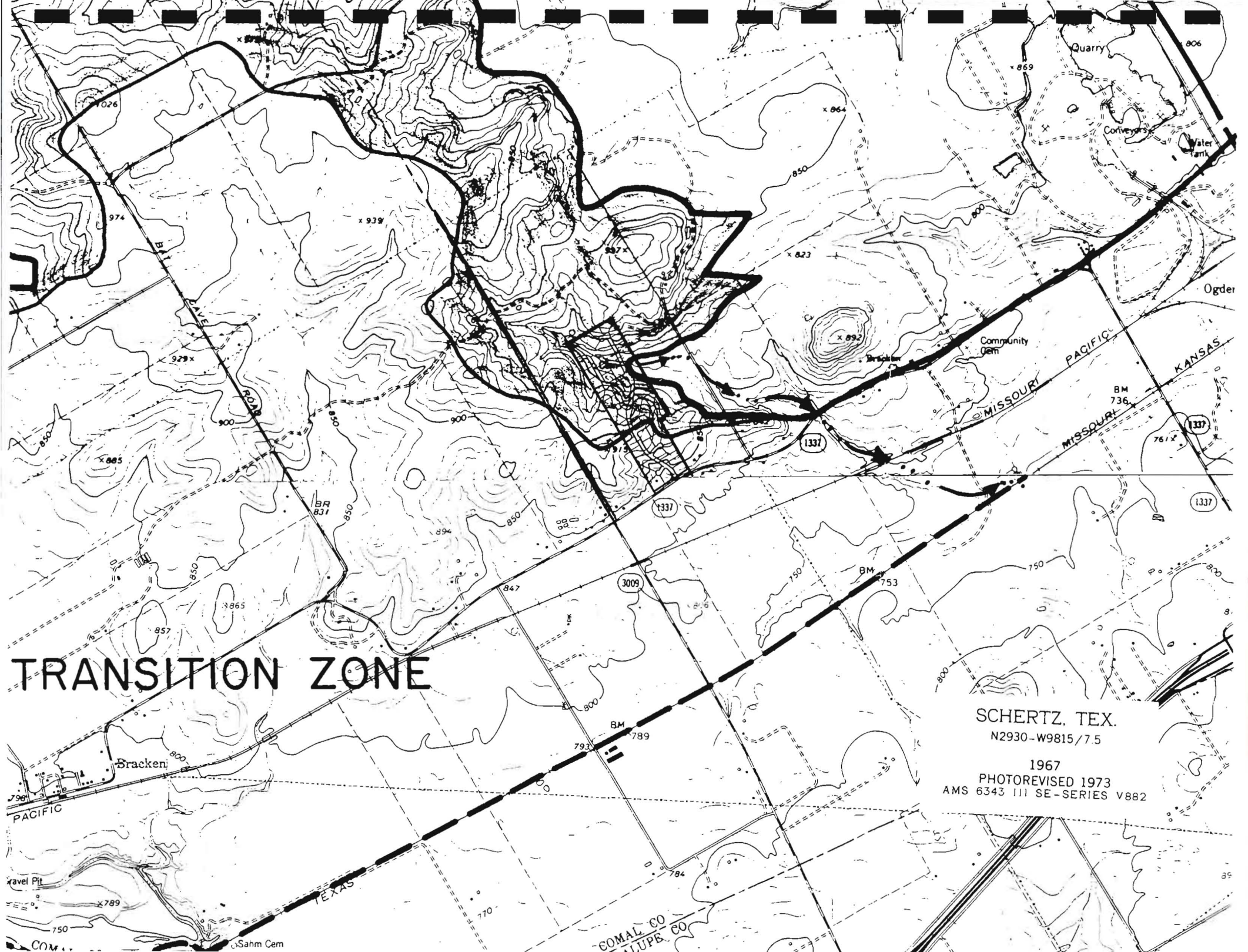
Signature of Applicant/Owner/Agent

6/14/00

Date



ATTACHMENT A — ROAD MAP



TRANSITION ZONE

SCHERTZ, TEX.
N2930-W9815/7.5

1967
PHOTOREVISED 1973
AMS 6343 III SE-SERIES V882

COMAL CO
BLUPE CO

ATTACHMENT C

The proposed project is a single-family development. The development will consist of 2 residential lots. Streets, water, sanitary sewer, underground electric, gas and drainage facilities will exist adjacent to these lots. No improvements will be constructed within these lots at this time.

**RECHARGE AND TRANSITION ZONE
EXCEPTION REQUEST FORM
30 TAC §213.9 EFFECTIVE JUNE 1, 1999**

Project Name: Regency Oaks Subdivision, Unit 2

1. √ **ATTACHMENT A - Nature of Exception.** A narrative description of the nature of each exception requested is provided as **ATTACHMENT A** at the end of this form. All provisions of 30 TAC §213 Subchapter A for which an exception is being requested have been identified in the description.
2. √ **ATTACHMENT B - Documentation of Equivalent Water Quality Protection.** Documentation demonstrating equivalent water quality protection for the Edwards Aquifer is provided as **ATTACHMENT B** at the end of this form.

ADMINISTRATIVE INFORMATION

3. √ One (1) original and three (3) copies of the completed application has been submitted to the appropriate regional office of the TNRCC.
4. √ The applicant understands that no exception will be granted for a prohibited activity in Chapter 213.
5. √ The applicant understands that prior approval under this section must be obtained from the executive director for the exception to be authorized.

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 **RECHARGE AND TRANSITION ZONE EXCEPTION REQUEST FORM** application is hereby submitted for TNRCC review and executive director approval. The request was prepared by:

Brad Galo
Print Name of Required Signatory

 6/14/00
Signature of Required Signatory Date

ATTACHMENT A

Nature of Exception

This exception is being requested per Edwards Aquifer Protection Rules. This property is being platted as two residential lots. These lots will be adjacent to a newly constructed street. No construction is expected on these lots prior to their re-sale. At such time the new lot owners shall be responsible for Water Quality Protection. Buyers of these lots shall be informed of the State regulations. Per chapter 213.5.h.2, which states that a site is exempt from the Edwards Aquifer protection plan provided their proposed improvements do not exceed 20% impervious cover on the site, these lot owners may be exempt if their improvements create less than 8700 square feet of impervious cover.

ATTACHMENT B

Documentation of Equivalent Water Quality Protection

It will be the responsibility of the future owners to comply with the Edwards Aquifer Protection Plan. Per chapter 213.5.h.2, both lots shall be exempt provided the proposed lot improvements do not exceed 20% impervious cover. It is anticipated that both lots shall comply with this condition.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
EDWARDS AQUIFER PROTECTION PLAN
APPLICATION FEE FORM

NAME OF PROPOSED PROJECT: Regency Oaks Subdivision, Unit 2
PROJECT LOCATION: West side of F.M. 2252., 1/4 mile north of F.M. 3009
NAME OF APPLICANT: Laredo Mesa Grande, Ltd.
APPLICANT'S ADDRESS: 18750 Stone Oak Parkway, San Antonio, Texas 78258
CONTACT PERSON: Brad Galo PHONE: (210) 497-3385

Please Print

AUSTIN REGIONAL OFFICE (3373)

- ☐ Hays
☐ Travis
☐ Williamson

SAN ANTONIO REGIONAL OFFICE (3362)

- ☐ Bexar ☐ Medina
☒ Comal ☐ Uvalde
☐ Kinney

APPLICATION FEES MUST BE PAID BY CHECK, CERTIFIED CHECK, OR MONEY ORDER, PAYABLE TO THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION. YOUR CANCELED CHECK WILL SERVE AS YOUR RECEIPT. **THIS FORM MUST BE SUBMITTED WITH YOUR FEE PAYMENT.** THIS PAYMENT IS BEING SUBMITTED TO (CHECK ONE):

☒ **SAN ANTONIO REGIONAL OFFICE**

- ☐ **Mailed to TNRCC:**
TNRCC - Cashier
Revenues Section
Mail Code 214
P.O. Box 13088
Austin, TX 78711-3088

☐ **AUSTIN REGIONAL OFFICE**

- ☐ **Overnight Delivery to TNRCC:**
TNRCC - Cashier
12100 Park 35 Circle
Building A, 3rd Floor
Austin, TX 78753
512/239-0347

Type of Plan	Size	Fee Due
Water Pollution Abatement, One Single Family Residential Dwelling	Acres	\$
Water Pollution Abatement, Multiple Single Family Residential and Parks	Acres	\$
Water Pollution Abatement, Non-residential	Acres	\$
Sewage Collection System	LF.	\$
Lift Stations without sewer lines	Acres	\$
Underground or Aboveground Storage Tank Facility	Tanks	\$
Piping System(s)(only)	Each	\$
Exception	Each	\$ 250.00
Extension of Time	Each	\$

Signature

Date

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
EDWARDS AQUIFER PROTECTION PLAN
 APPLICATION FEE SCHEDULE
 30 TAC §213.14 (effective 11/14/97) & 30 TAC §213.9 (effective 6/1/99)

WATER POLLUTION ABATEMENT PLANS AND MODIFICATIONS

PROJECT	PROJECT AREA IN ACRES	FEE
One Single Family Residential Dwelling	<5	\$500
Multiple Single Family Residential and Parks	<5	\$1,000
	5 < 10	\$2,000
	10 < 50	\$3,000
	≥50	\$5,000
Non-residential (Commercial, industrial, institutional, multi-family residential, schools, and other sites where regulated activities will occur)	< 1	\$2,000
	1 < 5	\$3,000
	5 < 10	\$4,000
	≥10	\$5,000

ORGANIZED SEWAGE COLLECTION SYSTEMS AND MODIFICATIONS

PROJECT	COST PER LINEAR FOOT	MINIMUM FEE MAXIMUM FEE
Sewage Collection Systems	\$0.50	\$500 - \$5,000

**UNDERGROUND AND ABOVEGROUND STORAGE TANK SYSTEM
FACILITY PLANS AND MODIFICATIONS**

PROJECT	COST PER TANK OR PIPING SYSTEM	MINIMUM FEE MAXIMUM FEE
Underground and Aboveground Storage Tank Facility	\$500	\$500 - \$5,000

EXCEPTION REQUESTS

PROJECT	FEE
Exception Request	\$250

EXTENSION OF TIME REQUESTS

PROJECT	FEE
Extension of Time Request	\$100