TEXAS WATER COMMISSION

PROTECTING TEXANS' HEALTH AND SAFETY BY PREVENTING AND REDUCING POLLUTION

December 2, 1992

Ms. Annette Dreiss
Ammann Bend Development, Ltd.
161 Doe Crest
San Antonio, Texas 78248

Re: Edwards Aquifer, Comal County
PROJECT: Hidden Oaks Unit 3 Roadway, Located on South Side of Ammann Road Approximately One (1) Mile West of Blanco Road, Within Extra-Territorial Jurisdiction (ETJ) of Boerne, Texas.
TYPE: Request for Approval of Water Pollution Abatement Plan (WPAP); 31 Texas Administrative Code (TAC) §313.4; Edwards Aquifer Protection Program.

Dear Ms. Dreiss:

The Texas Water Commission (TWC) has completed their review of the WPAP application for the referenced project that was submitted to this office on the behalf of Ammann Bend Development, Ltd. by Alamo Consulting Engineering and Surveying on November 12, 1992.

PROJECT DESCRIPTION

The proposed Hidden Oaks Unit 3 Roadway is to be developed as approximately 5,900 linear feet of 60 foot wide right-of-way consisting of approximately eight (8) acres. The pavement width is approximately 22 feet. This roadway will provide service for approximately 35 residential lots all greater than five (5) acres in size and thus not requiring a WPAP. Drinking water will be supplied to each house by a private well. Wastewater from each house will receive treatment from an on-site septic tank. The site is located within the City of Boerne's ETJ, and will conform with applicable codes and requirements of Comal County.

The proposed roadway intersects a storm drainage channel approximately 200 feet south of Ammann Road. The channel will be cleared of brush and trees approximately 50 feet upstream and approximately 50 feet downstream. This clearing will be accomplished with chainsaws.

The proposed impervious cover for the right-of-way is approximately 2.98 acres or 37% of eight (8) acres.

Approximately 27.3 cubic feet per second of stormwater flow will be generated in a 10 year storm event from the 2.98 acre tract. Stormwater runoff will be typical of a residential site.

GEOLOGY ON SITE

According to the geologic assessment included with the submittal, three (3) potential recharge features (PRFs #1, #2, & #3) are within the vicinity of the proposed roadway. These features are closed depressions.

The District 8 site inspection of November 5, 1992, revealed no other potential recharge features not described in the geologic assessment.

GEOLOGY DOWN-GRADIENT OF SITE

According to the geologic assessment included with the submittal, six (6) potential recharge features are within one (1) mile downgradient of the proposed project.

POLLUTION ABATEMENT

1. 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. All stormwater originating upgradient of the site will be captured in roadway barrow ditches to prevent flow across the paved area.

B. Downgradient pollution shall be controlled by placement of siltscreen fences at all four (4) stormwater discharge points as shown on the drainage plan.

C. Asphaltic products for the roadway will not be applied if rainfall is anticipated during the first 24 hours after application. In addition to siltscreen fences hay bales will be placed in the barrow ditches to trap possible contaminants prior to paving and shall remain in place up to one (1) week following pavement completion.

D. To prevent pollutants from entering PRF #1 during road construction all stormwater runoff from the road right-of-way

will be channeled away from the feature. PFR #2 and PFR #3 are in excess of 400 feet from the road right-of-way with stormwater runoff sheet flowing across existing vegetation.

2. 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. All stormwater originating upgradient of the site will be captured in grass seeded barrow ditches on both sides of the roadway to prevent flow across the paved area.

B. All stormwater originating on the roadway will flow to grass seeded barrow ditches on both sides of the roadway and then be distributed by sheetflow to existing vegetation.

3. Recharge Features:

The following measures will be taken to prevent pollutants from entering recharge features while maintaining or enhancing the quantity of water entering the recharge features identified in the geologic assessment.

A. To prevent pollutants from entering PRF #1 during road construction all stormwater runoff from the road right-of-way will be channeled away from the feature. PFR #2 and PFR #3 are in excess of 400 feet from the road right-of-way with stormwater runoff sheet flowing across existing vegetation.

B. To prevent pollutants from entering PRF #1 after road construction all stormwater runoff from the road right-of-way will be channeled away from the feature. PFR #2 and PFR #3 are in excess of 400 feet from the road right-of-way with stormwater runoff sheet flowing across existing vegetation.

C. PRF #1 will also be protected by placement of a 150 foot sanitary control and building setback easement around this feature on the subdivision plat. The easement will prevent construction, septic system, and animal pens within this limit. Also, purchasers of the subdivision lot containing this feature will be advised of it's ecologic significance.

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 aforementioned 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

The proposed roadway intersects a storm drainage channel approximately 200 feet south of Ammann Road. If channel clearing is performed with a bulldozer, or a bridge is required for the crossing, a modification to this WPAP shall be required to address pollution control of stormwater runoff. It shall be submitted to this office for approval consideration prior to construction.

Standard Conditions

1. 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.

2. 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 §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.

3. 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.

4. 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.

5. 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 at least 4 inches below grade.

6. 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.

7. 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 this office.

8. Upon completion of the project, the applicant shall reseed or sod all areas disturbed during construction.

9. 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 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 a 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.

10. 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.

11. 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, Ammann Bend Development, Ltd., 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.

12. **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.**

13. 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.

14. 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 the sewage collection system, the design of which shall be in accordance with 31 TAC Section 313.5.

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

cc: Alamo Consulting Engineering & Surveying, Inc.
Carter Casteel, County Judge, Comal County
Monica M. Wallace, Comal County Sanitarian
Susan Peters, Comal County Subdivision Coordinator
Russell L. Masters, Edwards Underground Water District
Rob Conti, Edwards Aquifer Coordinator, Texas Water Commission
John Mauser, District 8, Texas Water Commission
TWC - Central Records (with attachment)