

John Hall, *Chairman*  
Pam Reed, *Commissioner*  
Peggy Garner, *Commissioner*  
Anthony Grigsby, *Executive Director*



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

July 11, 1994

Mr. John Lovett  
1000 North Walnut Ave.  
New Braunfels, Texas 78130

Re: Edwards Aquifer, Comal County  
PROJECT: Kirkwood - Unit 2, Located on North Side of Ohio Avenue  $\approx$  400' East of Hwy 46, 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. Lovett:

The Texas Natural Resource Conservation Commission (TNRCC) has completed their review of the WPAP application for the referenced project that was submitted on your behalf by S. Craig Hollmig, Inc. to the Region 13 Office on June 6, 1994. .

### PROJECT DESCRIPTION

The proposed Kirkwood - Unit 2 is to be developed as a residential project and will consist of ten (10) single-family residences to be located on two (2) ACRES. The site is located within the City of New Braunfels, and will conform with applicable codes and requirements of the City of New Braunfels. Potable water will be supplied by New Braunfels Utilities.

The normal population of the development is estimated to be 40 persons. 5,250 gallons per day of domestic wastewater is to be generated by this project industrial wastewater. It will be disposed of by conveyance to the existing Kuehler Avenue Wastewater Treatment Plant owned by the New Braunfels Utilities.

The proposed impervious cover for the development, approximately 0.50 acres (47%), includes single family dwelling roof tops, driveways, sidewalks, and streets. Stormwater runoff will be typical of a residential site.

### GEOLOGY ON SITE

The project consists of less than 25 single-family residences and

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therefore no geologic assessment is required. The Region 13 site inspection of June 22, 1994 revealed that the site was covered with grass and some oak trees. No recharge features were observed.

#### GEOLOGY DOWN-GRADIENT OF SITE

The project consists of less than 25 single-family residences and therefore no geologic assessment is required.

#### 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. Stabilized construction entrances shall be installed at all sites of ingress and egress prior to initiation of any other regulated activity.
- B. 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. Stormwater will be directed off-site through a concrete lined channel.

##### III. Recharge Features:

The project consists of less than 25 single-family residences and therefore no geologic assessment is required.

#### 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.

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**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. The concrete lined channel which directs stormwater off the project site shall have energy dissipators to reduce erosion at the outlet.

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 Region 13 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 Region 13 Office copies of any changes made to the plans and specifications for this project which have been required by the TNRCC 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.

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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.

During residential construction on the individual lots in this development, temporary E&S controls shall be installed. The E&S controls shall be inspected periodically during construction and following any significant rainfall occurrences. Necessary repairs to the E&S controls shall be made as soon as possible.

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 TNRCC 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 Region 13 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 Region 13 Office and to the Edwards

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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. John Lovett, 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 Region 13 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.
15. Approval of the design of the sewage collection system for this proposed subdivision shall be obtained from the Texas Natural Resources Conservation 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

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leave the project site the developer shall notify the Texas Natural Resource Conservation 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 Region 13 Office (210) 490-3096.

Sincerely,



J. Richard Garcia,  
Regional Manager, for

Tony Grigsby  
Executive Director

JRG/JKM-jkm

Enclosures

cc: S. Craig Hollmig  
Mike Shands, City of New Braunfels  
Carter Casteel, County Judge, Comal County  
Sharron Timmermann, Comal County Subdivision Coordinator  
Rick Illgner, Edwards Underground Water District  
John Mauser, Region 13 Office, TNRCC  
TNRCC - Central Records (with attachment)