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Dan Pearson, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

October 10, 1997

Mr. J. W. Wood
Westwood Investments
20 Greenway Plaza, Ste. 252
Houston, TX 77046

Re: Edwards Aquifer, Comal County

PROJECT: Lewis Ranch Subdivision, Unit-2 and Unit-3, Project number 633.00, Proposed project is located 1.8 miles north of F.M. 3009 on Schoenthal Road. Comal County, Texas.

TYPE: Request for Approval of Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) §213.5(b); Edwards Aquifer Protection Program

Dear Mr. Wood:

The Texas Natural Resource Conservation Commission (TNRCC) has completed its review of the WPAP application for the referenced project that was submitted by Greg San Marco of Don McCrary & Associates on behalf of Westwood Investments to the San Antonio Regional Office on July 23, 1997. Final review of the WPAP submittal was completed after additional material was received on September 23, 1997. The WPAP proposed in the application is in general compliance with 30 TAC § 213.5(b); 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.*

PROJECT DESCRIPTION

The proposed residential project will have an area of 300 acres and will consist of the construction of approximately 78 single family residential lots and an associated roadway. Project wastewater for each residence will be treated by a private septic system. According to a June 27, 1997-letter signed by Tom Hornseth, Comal County Sanitarian, each lot within the proposed development will require that each owner apply for and gain approval for installation/use of private sewage facilities. The proposed impervious cover for the development is approximately 6.01 acres (9.65%). The site is not located within the City of Garden Ridge, but must conform with applicable codes and requirements of Comal County.

REPLY TO: REGION 13 • 140 HEIMER RD., SUITE 360 • SAN ANTONIO, TEXAS 78232-5042 • AREA CODE 210/490-3096

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000

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GEOLOGY ON SITE

According to the geologic assessment included with the submittal, there was a total of 21 sensitive features located on the proposed development. These features consisted of four (4) fault zones, twelve (12) fractured rock outcroppings, four (4) closed depressions, and two (2) solution cavities. Each of the on-site features were rated as moderately significant, with the exception of features S-2 and S-7 (both solution cavities) which were rated as high, with respect to their ability to accept surface infiltration.

The San Antonio Regional Office site inspection of September 17, 1997, revealed an additional six (6) on-site geological features. The features were evaluated by the geologist and assessed as having a none to moderate significance with respect to their relative infiltration rate. These features were identified on the site map as features S-23 through S-28 and consisted of five (5) closed depressions and a single (1) man-made well.

GEOLOGY DOWNGRADIENT OF SITE

According to the geologic assessment included with the submittal, there was a total of two (2) features noted downgradient from the proposed development. Both of the downgradient features consisted of fractured rock outcroppings and were assessed as having a moderate significance with respect to their ability to accept surface infiltration.

PERMANENT POLLUTION ABATEMENT MEASURES

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. Feature S-7 (Solution cavity) will be protected by the placement of concrete within the opening in order to permanently seal the feature.
- B. Feature S- 26 (on-site well) shall be permanently plugged.
- C. Each of the additional on-site geologic features described in the submittal by the geologist will protected by a proposed 50' diameter vegetative berm and/or filter dam.

SPECIAL CONDITIONS

1. If any potential sensitive features are encountered during construction, a geologist shall evaluate the significance of the features. The evaluation shall include representative photographs and a description of the feature forwarded to the San Antonio office. Construction in the vicinity of the features may only continue with written approval from the TNRCC.

2. Placement of hydrocarbon or hazardous substance storage facilities regulated pursuant to 213.5(d) and 213.5(e), requires submittal of all appropriate applications with appropriate fees and must receive prior approval from the TNRCC.

STANDARD CONDITIONS

1. 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, upon which that person or entity shall assume responsibility for all provisions and conditions of this approval.
2. Any modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a WPAP to amend this approval, including the payment of appropriate fees and all information necessary for its review and approval.
3. Prior to commencing any regulated activity, the applicant or his agent must notify the San Antonio Regional Office in writing of the date on which the regulated activity will begin.
4. The applicant or his agent shall record this WPAP approval in the county deed records within 30 days of receiving this notice of approval and prior to commencing any regulated activity at the project location. Proof of deed recordation shall be submitted to the San Antonio Regional Office. A suggested format that you may use to deed record the approved WPAP is enclosed.
5. All contractors conducting regulated activities at the 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. 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 TNRCC 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.
7. If any significant recharge feature [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 Regional Office of the discovery of the feature. Regulated activities near the feature may not proceed until the executive director has

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reviewed and approved the methods proposed to protect the feature and the aquifer from potential adverse impacts to water quality.

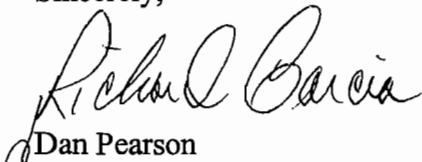
8. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the aquifer is protected from potential contamination.
9. Approval of the design of the sewage collection system for this proposed project shall be obtained from the TNRCC prior to commencement of construction of any sewage collection system.
10. One (1) well exists on the site. Any abandoned wells shall be plugged in accordance with 30 TAC § 338 or an equivalent method, as approved by the Executive Director.

Any drill holes resulting from core sampling on-site or down-gradient of the site shall be plugged with native soil, 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. Pursuant to §26.136 of the Texas Water Code, any violations of the requirements in 30 TAC §213 may result in administrative penalties.

If you have any questions or require additional information, please contact Tom Gutierrez of the Edwards Aquifer Protection Program at 210/490-3096. Reference project number 633.00.

Sincerely,


Dan Pearson
Executive Director

DP/TG/eg

Enclosure: Deed Recordation Affidavit

cc: Don McCrary, McCrary & Associates
Tom Hornseth, Comal County
Harry Bennett, City of New Braunfels
Clarence Bolner, City of New Braunfels
Mike Shands, City of New Braunfels
Gregory M. Ellis, Edwards Aquifer Authority
TNRCC Field Operations, Austin