

Barry R. McBee, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Dan Pearson, *Executive Director*



RECEIVED

NOV 24 1997

COUNTY ROAD DEPT.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

November 21, 1997

Ms. Mary Ann Seidel
706 Timber Dr.
New Braunfels, TX 78130

Re: EDWARDS AQUIFER, Comal County
PROJECT: Oak Bluff Estates Unit 4, Project number 701.00, Located on the northwest side of the west extension of Bluffside Drive, New Braunfels, Texas
TYPE: Request for Approval of Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) §213.5(b); Edwards Aquifer Protection Program

Dear Ms. Seidel:

The Texas Natural Resource Conservation Commission (TNRCC) has completed its review of the WPAP application for the referenced project that was submitted by Sumac Engineering Services on behalf of you to the San Antonio Regional Office on September 17, 1997. Final review of the WPAP submittal was completed after additional material was received on November 12, 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 2.018 acres and will consist of nine lots for single family residences and a 384 foot extension of Bluffside Drive. Project wastewater will be disposed of by conveyance to the existing New Braunfels Wastewater Treatment Plant owned by the New Braunfels Utilities. The proposed impervious cover for the development is approximately 0.46 acres (22.79%). The site is located within the City of New Braunfels, and must conform with applicable codes and requirements of the City of New Braunfels.

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

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

printed on recycled paper using soy-based ink

GEOLOGY ON SITE

According to the geologic assessment included with the submittal, no geologic or manmade features were located on the project site. The San Antonio Regional Office site inspection of November 14, 1997, revealed no observable features as was documented in the application submittal.

GEOLOGY DOWNGRADIENT OF SITE

According to the geologic assessment included with the submittal, no geologic or manmade features were located downgradient of the project site.

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. The TNRCC may monitor stormwater discharges from the site to evaluate the adequacy of permanent erosion and sedimentation (E&S) control measures. Additional controls may be necessary if excessive solids are being discharged from the site.

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 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. Any abandoned wells shall be plugged in accordance with 30 TAC § 338 or an equivalent method, as approved by the Executive Director.

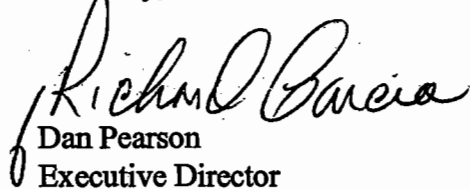
Any drill holes resulting from core sampling on-site or down-gradient of the site shall be plugged with native soil, from the bottom of the hole to the top of the hole, so as to not allow water or contaminants to enter the subsurface environment.

Ms. Mary Ann Seidel
November 21, 1997
Page 4

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 Lynn M. Bumgardner of the Edwards Aquifer Protection Program at 210/490-3096. Reference project number 701.00.

Sincerely,


Dan Pearson
Executive Director

DP/LMB/eg

Enclosure: Deed Recordation Affidavit

cc: C. B. "Mac" McCoy, Sumac Engineering Services
Harry Bennett, City of New Braunfels
Tom Hornseth, Comal County
Greg Ellis, Edwards Aquifer Authority
TNRCC Field Operations, Austin