

John Hall, Chairman
Pam Reed, Commissioner
Peggy Garner, Commissioner



TEXAS WATER COMMISSION

PROTECTING TEXANS' HEALTH AND SAFETY BY PREVENTING AND REDUCING POLLUTION

July 9, 1993

Mr. William Borchers
William H. Borchers Trustee et al
251 South Seguin
New Braunfels, Texas 78130

Re: Edwards Aquifer, Comal County

PROJECT: Oakwood - Unit 11, Located Approximately 100 Feet
Northeast of Intersection of Mount Joy Drive &
Marymont Drive, 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. Borchers:

The Texas Water Commission (TWC) has completed their review of the WPAP application for the referenced project that was submitted by S. Craig Hollmig, Inc. on behalf of William H. Borchers Trustee et al to the District 8 Office on May 17, 1993.

PROJECT DESCRIPTION

The proposed Oakwood - Unit 11 is to be developed as a residential project and will consist of 12 single-family residences located on 3.6 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 42 persons. 5,000 gallons per day of domestic wastewater is to be generated by this project. It will be disposed of by conveyance to the existing Gruene Wastewater Treatment Plant owned by the New Braunfels Utilities.

The proposed impervious cover for the development, approximately 1.32 acres (33,000 square feet) (44%), includes single family dwelling roof tops, driveways, sidewalks, and streets.

Approximately 15 cubic feet per second of stormwater flow will be generated in a 25 year storm event from the 3.6 acre tract. Stormwater runoff will be typical of a residential subdivision.

REPLY TO: DISTRICT 8 / 140 HEIMER RD., SUITE 360 / SAN ANTONIO, TEXAS 78232-5042 / AREA CODE 512/490-3096

GEOLOGY ON SITE

The project has less than 25 single-family residences and is not required to submit a geologic assessment as part of the WPAP.

The District 8 site inspection of June 29, 1993, revealed that the site is vegetated with tall grass, oak and cedar trees. Fractured and porous rock is abundant on the surface and several small closed depressions (3' diameter x 1' deep) were observed. It appears that infiltration into the subsurface does occur and the site should be considered to be of moderate significance.

GEOLOGY DOWN-GRADIENT OF SITE

The project has less than 25 single-family residences and is not required to submit a geologic assessment at part of the WPAP.

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. Natural drainage channels will remain vegetated.

III. 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.

Mr. William Borchers
Page 3
July 9, 1993

- A. No geologic assessment was 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.

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 District 8 site inspection of June 29, 1993, revealed abundant fractured and porous rock and several small closed depressions on the property. The path of the proposed sewer line for this project was not staked or marked. It appeared that infiltration into the subsurface does occur and the site should be considered to be of moderate significance. Because the sewer line was not staked for the TWC's inspection a geologist shall be present to evaluate the sewer line trench prior to placement of bedding, pipe and backfill.

If any potential recharge feature(s) is (are) encountered during sewer line trenching the geologist shall evaluate the significance of the feature(s). The evaluation shall include representative photographs and a description of the feature forwarded to the District 8 Edwards Aquifer Program Coordinator. Engineering plans must be submitted by a Texas Registered Professional Engineer which insure the structural integrity of the sewage collection system crossing the feature(s). Construction in the vicinity of the features may continue with the written approval from the Texas Water Commission.

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 District 8 Office, within 30 days of receiving this written notice of approval of the water pollution abatement plan and prior to commencing

Mr. William Borchers
Page 4
July 9, 1993

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 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.
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.
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 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.
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 District 8 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 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 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, William H. Borchers Trustee et al, applicant,

Mr. William Borchers
Page 6
July 9, 1993

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 District 8 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 Water 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 leave the project site the developer shall notify the Texas Water 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 District 8 Office (210) 490-3096.

Sincerely,



Billy H. Boggs,
District Manager, for

Tony Grigsby
Executive Director

BHB-JKM/jkm

Enclosures

Mr. William Borchers

Page 7

July 9, 1993

cc: S. Craig Hollmig

Mike Shands, Director of Planning, City of New Braunfels

Carter Casteel, County Judge, Comal County

Sharron Timmermann, Comal County Subdivision Coordinator

Russell L. Masters, Edwards Underground Water District

John Mauser, District 8 Office, TWC

Hank Smith, Edwards Aquifer Coordinator, TWC

TWC - Central Records (with attachment)