

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



DOC# 9506474222

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

December 14, 1994

Mr. Ernesto Jergins
651 Hwy 81 East, #520
New Braunfels, Texas 78130

~~Book 1021 Pg 805~~

Re: Edwards Aquifer, Comal County
PROJECT: Orion Subdivision - Unit 2; Located on SE/4 Of Hwy
46 West & Oakrun Parkway, 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. Jergins:

The Texas Natural Resource Conservation Commission (TNRCC) has completed their review of the WPAP application for the referenced project that was submitted by S. Craig Hollmig, Inc. on your behalf to the Region 13 Office on November 29, 1994.

PROJECT DESCRIPTION

The proposed Orion Subdivision - Unit 2 is to be developed as a residential project on 4.6 acres and will consist of 15 single family residential lots. The site is located within the City of New Braunfels extra-territorial jurisdiction, 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 53 persons. 9,275 gallons per day of domestic wastewater is to be generated by this project. It will be disposed of by conveyance to the existing Gruene Road Wastewater Treatment Plant owned by the New Braunfels Utilities.

The proposed impervious cover for the development, approximately 1.4 acres (30%), includes single family dwelling roof tops, driveways, sidewalks, and streets. Stormwater runoff will be typical of a residential site.

GEOLOGY ON SITE

The project is less than 25 residential lots and no geologic assessment was required. The Region 13 site inspection of December

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6, 1994, revealed the site was covered with soil, grass and trees. Several small soil-filled closed depressions were observed but were assessed as being of low significance.

GEOLOGY DOWN-GRADIENT OF SITE

The project is less than 25 residential lots and no geologic assessment was 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. This is a residential subdivision and no permanent pollution abatement measures are proposed.

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.

- A. No significant recharge were observed during Region 13's site investigation.

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

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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

There are no special conditions.

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

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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.

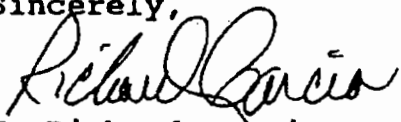
6. The appropriate E&S control(s) that shall be used during the construction of the project should be determined as follows: (1) Silt fences should be used when the drainage area is less than 2 acres and the slope is less than 10%. (2) Rock berms with filtration should be used when the drainage areas 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 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

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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 Natural Resource Conservation Commission immediately and commence clean-up.
18. Each purchaser of a single-family residential lot shall be informed in writing that this subdivision is located on the Edwards Aquifer Recharge Zone.
19. Each purchaser of a single-family residential lot shall be informed in writing about best management practices of pesticide and fertilizer application. The applicant may use What's Bugging You? A Practical Guide to Pest Control, available from the Edwards Underground Water District (210/222-2204), or equivalent information produced by recognized authorities such as the Soil Conservation Service, Texas Dept. of Agriculture, U.S. Dept. of Agriculture, etc. The applicant may develop their own educational information (with review by the TNRCC prior to use).
20. It is recommended that signage be permanently posted and maintained in good condition at each external entrance to and exit from the subdivision which reminds home owners and visitors they are on the Recharge Zone of the Edwards Aquifer.

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

Dan Pearson,
Executive Director

JRG/JKM

Enclosure

cc: S. Craig Hollmig, Inc.
Mike Shands, Director of Planning, City of New Braunfels
Tom Hornsath, Comal County Engineer
Rick Illgner, Edwards Underground Water District
John Mauser, Region 13 Office, TNRCC
TNRCC - Central Records (with attachment)

EXHIBIT "B"

BEING 4.559 acres of land situated in the S.A. and M.G. Railroad Company Survey No. 276 and being out of a tract called Item 1, called 7.254 acres, recorded in Volume 860, Pages 852-854 of the Official Public Records of Comal County, Texas, and also being all of a tract, called 0.172 acres, filed under clerk's file no. 463961 of the Official Public Records of Comal County, Texas.

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Pages: 8
Date : 09-11-1995
Time : 03:23:07 P.M.
Filed & Recorded in
Official Records
of COMAL County, TX.
JOY STREATER
COUNTY CLERK
Rec. \$ 23.00

STATE OF TEXAS
COUNTY OF COMAL
This is to certify that this document was
FILED on 09/11/1995 at 3:23:07 P.M.
Public Records Office, Comal County, Texas
on the date and time stated above.

