

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



## TEXAS WATER COMMISSION

PROTECTING TEXANS' HEALTH AND SAFETY BY PREVENTING AND REDUCING POLLUTION

August 5, 1992

Ms. Jacquelyn Couser  
330 Landa  
New Braunfels, Texas 78130

Re: EDWARDS AQUIFER, Comal County  
PROJECT: R & H No. 2 - Commercial Development  
Located on North Side of Loop 337 Approximately 500  
Feet East of Intersection with River Road, New  
Braunfels, Comal County, Texas  
TYPE: Request for Approval of Water Pollution Abatement  
Plan (WPAP); 31 Texas Administrative Code (TAC)  
Section 313.4

Dear Ms. Couser:

We have completed our Texas Water Commission (TWC) review of the WPAP for the referenced proposed project that was submitted by Winkley/Alexander, Inc. on your behalf to the District 8 Office on July 7, 1992. The proposed R & H No. 2 is to be located on the north side of Loop 337 approximately 500 feet east of intersection with River Road, New Braunfels, Comal County, Texas.

### PROJECT DESCRIPTION:

The proposed R & H No. 2 is to be located on the north side of Loop 337 approximately 500 feet east of intersection with River Road, New Braunfels, Comal County, Texas. This 1.08 acre tract is to be developed as a liquor store. Impervious cover is to be 2,800 square feet (0.064 acres) for buildings and 10,030 square feet (0.23 acres) of paved surfaces, for a total of 12,830 square feet (0.29 acres).

The projected population is estimated to be two (2) employees. 400 gallons per day of domestic wastewater is to be generated by this project, 100% domestic. It will be disposed of by conveyance to the existing/proposed New Braunfels Wastewater Treatment Plant owned by New Braunfels Utilities.

Approximately 2,000 cubic feet per second of stormwater flow will be generated in a 25 year storm event from the 1.08 acre tract.

There will be no hydrocarbon or hazardous substance storage associated with this project.

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

P.O. Box 13087 • 1700 North Congress Avenue • Austin, Texas 78711-3087 • 512/463-7830

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The WPAP application states,

The initial water supply will be by storage tank for non-potable uses and by water coolers supplied by a local company. Future water source may be the drilling and permitting of a well on-site, developed in accordance with the TWC criteria.

**GEOLOGY ON SITE:**

According to the geologic assessment the site is covered with approximately 20 inches of soil underlain by Edwards Limestone. No major structural features or karst features were found to exist on site.

**GEOLOGY DOWN-GRADIENT OF SITE:**

No potential recharge features downgradient and within the 100-year floodplain for a distance of one mile or to the edge of the recharge zone were noted in the geologic assessment.

**POLLUTION ABATEMENT:**

**I. During Construction:**

The following measures will be taken to prevent pollution of stormwater originating on site or up-gradient from the site and potentially flowing across and off the site during construction.

1. Silt fences will be placed as shown on the site plan.
2. A diversion berm will be placed along the western (upgradient) property line to direct flows around the property.

**II. After Construction:**

The following measures will be taken to prevent pollution of stormwater originating on site or up-gradient from the site and potentially flowing across and off the site during construction.

1. Disturbed areas will be revegetated with native grasses.

2. A vegetative filter strip on the downgradient side of the project will be maintained to filter the calculated pollutant load generated by this project and shown on page 14 of the WPAP application.

APPROVAL:

The plan for this development has been reviewed for compliance with 31 TAC Section 313.4 which sets forth pollution abatement criteria for development located on the recharge zone of the Edwards Aquifer. The proposed pollution abatement activities are in general agreement with 31 TAC Section 313.4, and approval of the development is hereby granted with the conditions listed below.

1. Prior to commencing construction, the applicant shall submit copies of any TWC-required changes to plans and specifications to the TWC District 8 Office and all other permitting authorities.
2. All contractors conducting regulated activities associated with this proposed regulated development 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 approval outlined below. During the course of regulated activities, the contractors shall be required to keep on-site copies of the WPAP and this approval letter.
3. 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.
4. Silt fences should be used when the drainage area is less than 2 acres. Silt fences should be placed within a rock berm for drainage areas greater than two acres or for slopes in excess of 10%. The bottoms of rock berms must be buried at least 4 inches below grade.

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.

5. During the course of construction related to the referenced regulated development, the owner/developer shall comply with all applicable provisions of 31 TAC Section 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, Jacquelyn Couser, 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.
6. 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 Section 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 Section 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.  
  
Any drill holes resulting from core sampling on-site or down-gradient of the site shall be plugged with concrete, 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.
7. Please be reminded that 31 TAC Section 313.4 (c) requires the owner/developer to: (1) record in the county deed records that this property is subject to the approved WPAP; (2) within 30 days of receiving written notice of approval of the water pollution abatement plan from the Executive Director, submit to the Executive Director proof of application for recordation of notice in the county deed records; and (3) prior to commencing construction, submit to the appropriate district office proof of application for recordation of notice in the county deed records. Enclosed is a suggested format you may wish to use to deed record your approved WPAP.
8. Pursuant to 31 TAC Section 313.4 (d) (1), prior to commencing construction the applicant must notify the District 8 Office in San Antonio when the regulated activity will commence.

9. Also, 31 TAC Section 313.4 (d) (2) requires that if any significant recharge features, such as solution openings or sinkholes, are discovered during construction or core sampling, all regulated activities near the significant recharge feature must be immediately suspended and may not proceed 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 located at 140 Heimer Road, Suite #360, San Antonio, Texas, 78232-5028, telephone (512) 490-3096.
10. Any substantial modification, as outlined in 31 TAC Section 313.4 (e), to this approved WPAP must be reported to the District 8 Office and approved by the Texas Water Commission.
11. Please note that 31 TAC Section 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 development.
12. 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 the sewage collection system, the design of which shall be in accordance with 31 TAC Section 313.5.
13. A formal maintenance plan and schedule for the vegetative filter strip on the downgradient side of the project will not be required at this time. However, construction of any regulated activity or development on the vegetative filter strip is prohibited without prior TWC approval.
14. All plumbing shall be in compliance with the City of New Braunfels Standard Plumbing Code.
15. Any water supply wells for this project producing from the Edwards Formation shall be in compliance with provisions of 31 TAC §298.

During an inspection of May 22, 1992 construction of the referenced project was observed. This regulated activity was conducted without the prior approval of a water pollution abatement plan, as required by Commission rules (31 TAC §313.4). Therefore the applicant is hereby advised that the after-the-fact approval of the project, as provided by this letter, shall not absolve the

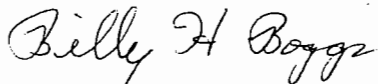
Ms. Jacquelyn Couser  
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applicant of any prior violations of Commission rules related to this project, and shall not necessarily preclude the Commission from pursuing appropriate enforcement actions and administrative penalties associated with such violations, as provided in 31 TAC §313.14 of Commission rules.

Failure to comply with any of the aforementioned conditions, deed recordation requirements, or any other specific conditions of approval is a violation of these rules. Pursuant to Section 26.136 of the Texas Water Code, violations of these rules may result in administrative penalties of up to \$10,000 for each act of violation and for each day of violation.

If you have any questions or require additional information, please contact John Mauser at this San Antonio office, (512) 490-3096.

Sincerely,



Billy H. Boggs,  
District Manager for

Jesús Garza,  
Executive Director

BHB-JKM/jkm

Enclosure

- cc: Representative Edmund Kuempel  
Winkley/Alexander, Inc.  
Mike Shands, Director of Planning, City of New Braunfels  
Fred R. Clark, County Judge, Comal County  
Monica M. Wallace, Comal County Office of Environmental Health  
Susan Peters, Comal County Subdivision Coordinator  
Russell L. Masters, Edwards Underground Water District  
Rob Conti, Edwards Aquifer Coordinator, Texas Water Commission  
James Navarrette - Texas Water Commission  
John Mauser, District 8, Texas Water Commission  
TWC - Central Records (with attachment)