

Robert J. Huston, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
John M. Baker, *Commissioner*  
Jeffrey A. Saitas, *Executive Director*



RECEIVED  
JUL 23 2001  
COUNTY ENGINEER

## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

June 15, 2001

Mr. John P. Kelly, P.E.  
TxDOT San Antonio District  
Post Office Box 29928  
San Antonio, Texas 78229-0928

Re: Edwards Aquifer, Comal County  
NAME OF PROJECT: FM 1863 Improvements; From SH 46 to 2.7 Miles West (CSJ: 0470-01-0132); New Braunfels and Comal County, Texas  
TYPE OF PLAN: Request for Approval of a Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer  
Edwards Aquifer Protection Program File No. 01051404

Dear Mr. Kelly:

The Texas Natural Resource Conservation Commission (TNRCC) has completed its review of the WPAP application for the referenced project submitted to the Austin Regional Office by your office and Turner Collie & Braden, Inc. on May 14, 2001. Final review of the WPAP submittal was completed after additional material was received on June 13, 2001. As presented to the TNRCC, the Temporary and Permanent Best Management Practices (BMPs) and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed, and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer's concurrence of compliance, the planning materials for construction of the proposed project and pollution abatement measures are hereby approved subject to applicable state rules and the conditions in this letter. The applicant or a person affected may file with the chief clerk a motion for reconsideration of the executive director's final action on this Edwards Aquifer protection plan. A motion for reconsideration must be filed no later than 20 days after the date of this approval letter. *This approval expires two (2) years from the date of this letter unless, prior to the expiration date, more than 10 percent of the construction has commenced on the project or an extension of time has been requested.*

### PROJECT DESCRIPTION

The proposed highway improvement project will have an area of approximately 39.3 acres. The project will include widening the two existing travel lanes, adding shoulders, adding a center turn lane in two locations, and improving several curves. The impervious cover will be 16.6 acres (42 percent).

REPLY TO: REGION 11 • 1921 CEDAR BEND DR., STE. 150 • AUSTIN, TEXAS 78758-5336 • 512/339-2929 • FAX 512/339-3795

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: [www.tnrcc.state.tx.us](http://www.tnrcc.state.tx.us)

printed on recycled paper using soy-based ink

### PERMANENT POLLUTION ABATEMENT MEASURES

Grass vegetation along the right-of-way will be utilized to treat stormwater runoff. The approved measures meet the required 80 percent removal of the increased load in total suspended solids caused by the project.

### GEOLOGY

According to the geologic assessment included with the application, several fault zones, a sinkhole, and two water wells exist along this project. The Austin Regional Office site investigation of June 11, 2001, revealed that the site is generally as described by the geologic assessment.

### STANDARD CONDITIONS

1. Pursuant to §26.136 of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.

#### Prior to Commencement of Construction:

2. All contractors conducting regulated activities at the referenced 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.
3. Modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
4. The applicant must provide written notification of intent to commence construction of the referenced project. Notification must be submitted to the Austin Regional Office no later than 48 hours prior to commencement of the regulated activity. Written notification must include the date on which the regulated activity will commence, the name of the approved plan and file number for the regulated activity, and the name of the prime contractor with the name and telephone number of the contact person. The executive director will use the notification to determine if the approved plan is eligible for an extension.
5. 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. 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.

6. All borings with depths greater than or equal to 20 feet must be plugged with non-shrink grout from the bottom of the hole to within three (3) feet of the surface. The remainder of the hole must be backfilled with cuttings from the boring. All borings less than 20 feet must be backfilled with cuttings from the boring. All borings must be backfilled or plugged within four (4) days of completion of the drilling operation. Voids may be filled with gravel.

During Construction:

7. During the course of regulated activities related to this project, the applicant or 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.
8. If any sensitive feature (caves, solution cavities, sink holes, etc.) is discovered during construction, all regulated activities near the feature must be suspended immediately. The applicant or his agent must immediately notify the Austin 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 potentially adverse impacts to water quality. The plan must be sealed, signed, and dated by a Texas Licensed Professional Engineer.
9. One well exists on the site, and one well exists adjacent to the site. All water wells, including injection, dewatering, and monitoring wells must be in compliance with the requirements of the Texas Department of Licensing and Regulation under Title 16 TAC Chapter 76 (relating to Water Well Drillers and Pump Installers) and all other locally applicable rules, as appropriate.
10. If sediment escapes the construction site, the sediment must be removed at a frequency sufficient to minimize offsite impacts to water quality (e.g., fugitive sediment in street being washed into surface streams or sensitive features by the next rain). Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been reduced by 50 percent. Litter, construction debris, and construction chemicals shall be prevented from becoming stormwater discharge pollutants.
11. The following records shall be maintained and made available to the executive director upon request: the dates when major grading activities occur, the dates when construction activities temporarily or permanently cease on a portion of the site, and the dates when stabilization measures are initiated.

Mr. John P. Kelly, P.E.

Page 4

June 15, 2001

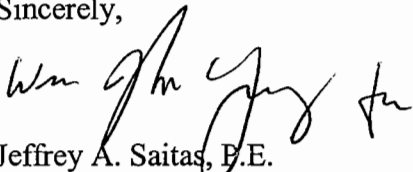
12. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and construction activities will not resume within 21 days. When the initiation of stabilization measures by the 14th day is precluded by weather conditions, stabilization measures shall be initiated as soon as practicable.

After Completion of Construction:

13. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the Austin Regional Office within 30 days of site completion.
14. An Edwards Aquifer protection plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Edwards Aquifer protection plan must be submitted to the Austin Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.
15. 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.

If you have any questions or require additional information, please contact Mr. David Zwernemann, P.E., of the Edwards Aquifer Protection Program of the Austin Regional Office at (512) 339-2929.

Sincerely,



Jeffrey A. Saitas, P.E.

Executive Director

Texas Natural Resource Conservation Commission

JAS/dz

- cc: Mr. Barrlynn J. West, Jr., TxDOT San Antonio District  
Ms. Mary Kelly, P.E., Turner Collie & Braden, Inc., San Antonio  
Mr. Harry Bennett, Director of Planning, City of New Braunfels  
Mr. Thomas Hornseth, P.E., County Engineer, Comal County ✓  
Mr. Greg Ellis, Edwards Aquifer Authority, San Antonio  
Database Management, TNRCC Field Operations, Austin