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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 4, 2020

Mr. James Japhet
Villages at Gruene NB, LLC
4372 N Loop 1604 W Ste 206
Shavano Park, Texas 78249

Re: Edwards Aquifer, Comal County

NAME OF PROJECT: Village at Gruene Condominiums; Located east of the Gruene Road and Ewelling Lane intersection; New Braunfels, Texas

TYPE OF PLAN: Request for Approval of an Organized Sewage Collection System (SCS) Plan; 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer

Regulated Entity No. RN110919453; Additional ID No. 13001128

Dear Mr. Japhet:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the organized sewage collection system plans and specifications for the referenced project submitted to the San Antonio Regional Office on behalf of Villages at Gruene NB, LLC by HMT Engineering & Surveying on April 29, 2020. As presented to the TCEQ, the construction documents were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213 and Chapter 217. Therefore, based on the Texas Licensed Professional Engineer's concurrence of compliance, the planning materials for construction of the proposed sewage collection system 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 23 days after the date of this approval letter. *This approval expires (2) two years from the date of this letter unless, prior to the expiration date, more than 10 percent of construction has commenced, or an extension of time has been requested.*

PROJECT DESCRIPTION

The project proposes to install 2,840 linear feet of 8-inch diameter sewer pipe, manholes, and appropriate appurtenances for residential development. The specific piping shall be 2,639 linear feet of PVC SDR 26 (ASTM-D3034, ASTM-D3212) gravity sewer pipe and 201 linear feet of DR 18 (AWWA C900) pressure rated pipe. The system will be connected to an existing City of New Braunfels wastewater line for conveyance to the Gruene Wastewater Treatment Plant for treatment and disposal. The project is located within the City of New Braunfels and will conform to all applicable codes, ordinances, and requirements of the City of New Braunfels.

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GEOLOGY

According to the geologic assessment included with the application, the site lies on the Person Formation. Eight non-sensitive features, two manmade and six geologic, were identified by the project geologist. Six of the identified features were located within 50 feet of the proposed sewer line. The site assessment conducted on May 21, 2020 revealed the site was generally as described in the geologic assessment.

SPECIAL CONDITIONS

- I. It is emphasized that where wastewater lines must bridge faults, caverns, sinkholes, or solution features the lines shall be constructed in a manner that will maintain the structural integrity of the pipe. When such sensitive features are encountered, 30 TAC §213.5(f)(2) requires that all regulated activities near the feature must be immediately suspended and the owner/developer shall immediately notify the San Antonio Regional Office. Additionally, when such geologic features are encountered which are bridged by construction, the location and extent of those features must be assessed by a geologist and must be reported to the San Antonio Regional Office in writing within two working days of discovery as required by 30 TAC §213.5(c)(3)(K). Construction may not resume in the area of the feature until the executive director has reviewed and approved the methods proposed to protect the aquifer from any potential adverse impacts. See Standard Condition 10 below.
- II. By the responsible engineer's dated signature and seal on the Engineering Design Report attached to the submitted application, all information therein accurately reflects the information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer in accordance with the requirements of 30 TAC 213.5 (c) and Chapter 217.

STANDARD CONDITIONS

1. Pursuant to Chapter 7 Subchapter C of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.
2. The holder of the approved Edwards Aquifer protection plan must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the approved plan. Additional and separate approvals, permits, registrations and/or authorizations from other TCEQ Programs (i.e., Stormwater, Water Rights, UIC) can be required depending on the specifics of the plan.
3. In addition to the rules of the Commission, the applicant may also be required to comply with state and local ordinances and regulations providing for the protection of water quality.

Prior to Commencement of Construction:

4. 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 SCS plan and this notice of approval shall be maintained at the project location until all regulated activities are completed.
5. Modification to the activities described in the referenced SCS 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.
6. The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation of the referenced project. Notification must be submitted to

the San Antonio 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 program ID 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.

7. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved application, 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 TCEQ 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.

During Construction:

8. 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 and Chapter 217. 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.
9. 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.
10. 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 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 potentially adverse impacts to water quality. The plan must be sealed, signed, and dated by a Texas Licensed Professional Engineer.
11. The following records shall be maintained by the applicant and made available to the executive director upon request: the dates trenching 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 and completed.
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.
13. Intentional discharges of sediment laden stormwater during construction are not allowed. If dewatering of excavated areas becomes necessary, the discharge will be filtered through appropriately selected temporary best management practices. These may include vegetative filter strips, sediment traps, rock berms, silt fence rings, etc.
14. No part of the system shall be used as a holding tank for a pump-and-haul operation.

After Completion of Construction:

15. Certification by a Texas Licensed Professional Engineer of the testing of sewage collection systems required by 30 TAC Chapter 213 and Chapter 217 shall be submitted to the San Antonio Regional Office within 30 days of test completion and prior to the new sewage

collection system being put into service. The certification should include the project name as it appeared on the approved application, the program ID number, and two copies of a site plan sheet(s) indicating the wastewater lines and manholes that were tested and are being certified as complying with the appropriate regulations. The engineer must certify in writing that all wastewater lines have passed all required testing to the appropriate regional office within 30 days of test completion and prior to use of the new collection system. Should any test result fail to meet passing test criteria and then subsequently pass testing, the result(s) and an explanation of what repair, adjustment, or other means were taken to facilitate a subsequent passing result shall be provided.

Every five years after the initial certification, the sewage collection system shall be retested. Any lines that fail the test must be repaired and retested. Certification that the system continues to meet the requirements of 30 TAC Chapter 213 and Chapter 217 shall be submitted to the San Antonio Regional Office. The certification should include the project name as it appeared on the approved application, the program ID number and two copies of a site plan sheet(s) indicating the wastewater lines and manholes that were tested and are being certified as complying with the appropriate regulations. Should any test result fail to meet passing test criteria, and then subsequently pass testing, the result(s) and an explanation of what repair, adjustment, or other means were taken to facilitate a subsequent passing result shall be provided.

16. If ownership of this organized sewage collection system is legally transferred (e.g., developer to city or Municipal Utility District), the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, a new Edwards Aquifer protection plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
17. 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 San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality. If you have any questions or require additional information, please contact Mr. Joshua Vacek of the Edwards Aquifer Protection Program of the San Antonio Regional Office at 210-403-4028.

Sincerely,



Robert Sadlier, Section Manager
Edwards Aquifer Protection Program
Texas Commission on Environmental Quality

RCS/jv

cc: Mr. Chris Van Heerde, P.E., HMT Engineering & Surveying
Mr. H. L. Saur, Comal Trinity Groundwater Conservation District
Mr. Roland Ruiz, Edwards Aquifer Authority
Mr. Thomas H. Hornseth, P.E., Comal County Engineer
Mr. Mark Enders, City of New Braunfels