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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 22, 2016

Mr. Stephen M. Freche  
Frontera Ridge Land, LP  
221 West 6<sup>th</sup> St., Suite 880  
Austin, Texas 78701

Re: Edwards Aquifer: Williamson County  
NAME OF PROJECT: Frontera Ridge; Located at 1300 Louis Henna Blvd.; Round Rock, Texas  
TYPE OF PLAN: Request for Approval of Water Pollution Abatement Plan (WPAP) and an Organized Sewage Collection System (SCS); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer  
Edwards Aquifer Protection Program ID No. 11000038 & 11000040; Regulated Entity No. RN108875626

Dear Ms. Freche:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP and SCS Applications for the above-referenced project submitted to the Austin Regional Office by Waeltz & Prete, Inc. on behalf of Frontera Ridge Land, LP on November 19, 2015. Final review of the WPAP and SCS was completed after additional material was received on February 17, 2016. As presented to the TCEQ, the Permanent and Temporary 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 and 30 TAC Chapter 217. 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 23 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 10.303 acre project site lies within the Edwards Aquifer recharge zone. Construction of the proposed project will consist of two (2) office buildings (200,379 ft<sup>2</sup>) and parking lot/sidewalks (107,158 ft<sup>2</sup>). The total acreage of impervious cover (IC) for the project is 7.06 acres (68.5%). Project wastewater will be disposed of by conveyance to the existing Brushy Creek Wastewater Treatment Plant.

In addition to the described activities, temporary erosion and sedimentation controls will be installed prior to commencing site disturbance and maintained during construction.

#### PERMANENT POLLUTION ABATEMENT MEASURES

To prevent the pollution of stormwater runoff originating on-site or upgradient of the site and potentially flowing across and off the site after construction, to an existing wet basin that was approved August 12, 1999 (EAPP No. 11-99062401) and a proposed stormtrooper (SWAQ-25) that will be constructed using the TCEQ technical guidance document, complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices (2005) to treat stormwater runoff. The required total suspended solids (TSS) treatment for this project is 6145 pounds of TSS generated from 7.06 acres of impervious cover. The existing wet basin has the capacity to treat a drainage area of 8.93 acres with 6.54 acres impervious cover that accounts 5,695 lbs. of TSS. The stormtrooper is designed to treat the total runoff area of 1.37 acres with 0.52 acres of impervious cover that accounts 465 lbs. of TSS. The approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

#### SEWAGE COLLECTION SYSTEM

The SCS consists of 627 linear ft. of 8-inch diameter SDR 26 ASTM D3034 wastewater line. There are three (3) water line crossings that are within the vertical separation distance of 9 ft. for which 54 linear ft. of 8-inch diameter SDR 26 ASTM D2241 (150 PSI) waste water line will be used. Concrete manholes will be constructed at all changes in grade, alignment and at a maximum spacing of 500 feet. There are no drop manholes associated with the project. Project wastewater will be disposed of by conveyance to the existing Brushy Creek Wastewater Treatment Plant. The project is located within the City of Round Rock Extra-Territorial Jurisdiction and will conform to all specifications, applicable codes, ordinances, and requirements of the city.

#### GEOLOGY

An exception to the Geologic Assessment is granted since a geologic assessment was previously conducted in 1999 and no sensitive features were discovered. During the site assessment conducted by TCEQ on January 15, 2016, no sensitive features were discovered and construction was not being conducted.

#### SPECIAL CONDITIONS

- I. All permanent pollution abatement measures shall be operational prior to occupancy of the facility.
- II. All sediment and/or media removed from the water quality basin during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335, as applicable.
- III. 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 Austin 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 Austin 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.

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. Within 60 days of receiving written approval of an Edwards Aquifer Protection Plan, the applicant must submit to the Austin Regional Office, proof of recordation of notice in the county deed records, with the volume and page number(s) of the county deed records of the county in which the property is located. A description of the property boundaries shall be included in the deed recordation in the county deed records. A suggested form (Deed Recordation Affidavit, TCEQ-0625) that you may use to deed record the approved WPAP is enclosed.
5. 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, SCS and this notice of approval shall be maintained at the project location until all regulated activities are completed.
6. Modification to the activities described in the referenced WPAP and SCS applications 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.
7. The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation 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 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.
8. 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. If a water quality pond is proposed, it shall be used as a sedimentation basin during construction. 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.
9. 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:

10. 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 and Chapter 217, 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.
11. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 6, above.
12. 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.
13. No wells are located on this site. All water well 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.
14. 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.
15. Intentional discharges of sediment laden water are not allowed. If dewatering becomes necessary, the discharge will be filtered through appropriately selected best management practices. These may include vegetated filter strips, sediment traps, rock berms, silt fence rings, etc.
16. 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.
17. 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.
18. No part of the system shall be used as a holding tank for a pump-and-haul operation.

After Completion of Construction:

19. 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.

20. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. The regulated entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through Austin Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.
21. Upon legal transfer of this property, 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.
22. 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 Austin 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 that were tested and are being certified as complying with the appropriate regulations.
23. 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 Austin 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 that were tested and are being certified as complying with the appropriate regulations.
24. 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.
25. 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.
26. 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.

Mr. Stephen M. Freche

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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. Bryan Maynard of the Edwards Aquifer Protection Program of the Austin Regional Office at 512-339-2929.

Sincerely,



Carolyn Runyon, Water Section Manager  
Austin Region Office  
Texas Commission on Environmental Quality

CDR/bgm

Enclosure: Deed Recordation Affidavit, Form TCEQ-0625  
Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-10263

cc: Mr. Antonio A. Prete, P.E., Waeltz & Prete, Inc., Round Rock  
Ms. Alysha Girard, P.E., Storm Water Manager, City of Round Rock  
Mr. John H. Teel, M.S., R.S., Executive Director, Williamson County & Cities Health District  
TCEQ Central Records, Building F, MC 212

**Deed Recordation Affidavit**  
Edwards Aquifer Protection Plan

THE STATE OF TEXAS     §

County of \_\_\_\_\_ §

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ who, being duly sworn by me, deposes and says:

- (1) That my name is \_\_\_\_\_ and that I own the real property described below.
- (2) That said real property is subject to an EDWARDS AQUIFER PROTECTION PLAN which was required under the 30 Texas Administrative Code (TAC) Chapter 213.
- (3) That the EDWARDS AQUIFER PROTECTION PLAN for said real property was approved by the Texas Commission on Environmental Quality (TCEQ) on \_\_\_\_\_.

A copy of the letter of approval from the TCEQ is attached to this affidavit as Exhibit A and is incorporated herein by reference.

- (4) The said real property is located in \_\_\_\_\_ County, Texas, and the legal description of the property is as follows:

\_\_\_\_\_  
LANDOWNER-AFFIANT

SWORN AND SUBSCRIBED TO before me, on this \_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

THE STATE OF \_\_\_\_\_ §

County of \_\_\_\_\_ §

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this \_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
Typed or Printed Name of Notary

MY COMMISSION EXPIRES: \_\_\_\_\_

**Change in Responsibility for Maintenance  
on Permanent Best Management Practices and Measures**

The applicant is no longer responsible for maintaining the permanent best management practice (BMP) and other measures. The project information and the new entity responsible for maintenance is listed below.

Customer: \_\_\_\_\_

Regulated Entity Name: \_\_\_\_\_

Site Address: \_\_\_\_\_

City, Texas, Zip: \_\_\_\_\_

County: \_\_\_\_\_

Approval Letter Date: \_\_\_\_\_

BMPs for the project: \_\_\_\_\_

New Responsible Party: \_\_\_\_\_

Name of contact: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ FAX: \_\_\_\_\_

\_\_\_\_\_  
Signature of New Responsible Party                      Date

I acknowledge and understand that I am assuming full responsibility for maintaining all permanent best management practices and measures approved by the TCEQ for the site, until another entity assumes such obligations in writing or ownership is transferred.

If you have questions on how to fill out this form or about the Edwards Aquifer protection program, please contact us at 210/490-3096 for projects located in the San Antonio Region or 512/339-2929 for projects located in the Austin Region.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512/239-3282.