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Complying with the Edwards Aquifer Rules: Administrative Guidance

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Field Operations Division

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TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Complying with the Edwards Aquifer Rules: Administrative Guidance

Prepared by
Field Operations Division

RG-349
June 1999



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Preface

This guidance manual presents a basic explanation of the steps landowners in the parts of Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties must take to comply with the Edwards Aquifer rules. This guidance is not a substitute for the rules themselves, but may aid you in complying if these rules affect you.

In the interest of speaking plainly, the words “we” and “us” in this manual refer to the TNRCC. The word “you” refers to the reader—and, when appropriate, to anyone who is affected by these rules.

By the same token, the phrases “our regional office” and “your local regional office” in this manual refer to the TNRCC regional office that administers these rules for the county in which your site is located—for Kinney, Uvalde, Medina, Bexar, and Comal Counties, the San Antonio regional office; for Hays, Travis, and Williamson Counties, the Austin regional office. See Chapter 7, “Obtaining Forms and Contacting Us,” for the addresses and phone numbers of these regional offices.

To comply with the Edwards Aquifer rules, you must implement measures known as “best management practices” (BMPs) to reduce the impact of your activity on water quality in and upstream of the aquifer. See the related publication, *Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices* (TNRCC publication RG-348), for detailed descriptions of many options available for you to use as BMPs.

To keep this manual current, we will periodically review and revise material that needs updating in response to changes in the rules. We will make updated versions of this manual available through our Publications Unit and through the Edwards Aquifer Protection Program page on our Web site (<http://www.tnrcc.state.tx.us/EAPP>).

1. Introduction

The Edwards Aquifer is one of the most valuable resources in the central Texas area. This aquifer provides water for municipal, industrial, and agricultural uses as well as sustaining a number of rare and endangered species. A number of cities rely on it as their principal source of drinking water. In the past, the Edwards Aquifer has proved to be a reliable source of water through severe droughts. After heavy rains, water levels and pressures in the aquifer rise rapidly.

To preserve these beneficial uses of this aquifer, Texans must protect its water quality from degradation resulting from human activities. For example, residential or commercial development, the installation or repair of sewage collection systems, or the installation or upgrading of gasoline storage tanks could contaminate the aquifer if not done properly. To protect the Edwards Aquifer from these potential sources of contamination, the rules found in Title 30 Texas Administrative Code (30 TAC) Chapter 213 call for the property owner to get our approval before beginning these or similar activities.

In this manual we will explain in plain language the activities affected by these rules, which we also call “the Edwards Aquifer rules.” We will also present the forms you must complete and other steps you must follow to comply with these rules. For information about complying with the technical aspects of these rules, see the related publication, *Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices* (TNRCC publication RG-348).

Especially if you own or operate a small business, see Chapter 2, “What Activities Are Regulated?,” to determine how the Edwards Aquifer rules may affect you.

Unless you are exempt from these rules, you may need to hire one or more professional consultants to properly plan your project. For example, a geologist must assess the characteristics of any site in the recharge zone and certain sites in the transition zone. Also, to select, design, and install water quality controls that meet the needs of your activity, you will need the services of a Texas-licensed professional engineer and possibly other consultants.

This manual can help you understand the application process and learn when you will need which services. Your consulting engineer would refer to the related technical guidance (RG-348) to select the water quality controls best suited to your project.

1.1 What Are the Edwards Aquifer Rules?

The Edwards Aquifer rules are an effective mechanism we can use to protect this valuable resource. These rules address activities that could pose a threat to water quality in the Edwards Aquifer and the surface streams that feed it.

Many of these activities are related to the construction of new homes, businesses, schools, or other facilities. However, these rules also may regulate the rehabilitation or replacement of these facilities, if the activity or the facility itself could possibly contaminate water in the aquifer.

1.2 Where Are These Rules in Effect?

These rules apply specifically to the Edwards Aquifer in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties. They are not intended for any other aquifers in Texas. In these counties, the Edwards Aquifer rules identify three geologic zones in which construction and other human activities could contribute pollutants to the waters of the aquifer:

- the contributing zone
- the recharge zone
- the transition zone

Each of these zones is unique in terms of how human activity in it may affect the aquifer. Consequently, these rules are tailored to address each zone according to the level of concern and the types of concerns that are associated with human activity in that zone.

Although geologically distinct, these zones are not easy to locate from a verbal description. We maintain U.S. Geological Survey (USGS) topographic maps on which these zones are officially marked in our central office in Austin. Our San Antonio and Austin regional offices have copies of these maps available for the public to view during regular business hours. See “How to Contact Us” on page 7-2 for the address and phone number of your local regional office. You may also purchase your own copy of one or more maps from the vendors listed in Table 1. We are working to develop other options for making this information more widely available through digital GIS files.

To determine which specific quadrangle map you should view to determine whether your property is regulated under these rules, see the index maps in Figures 1 through 8. Each of these maps shows one of the regulated counties, starting from the southwest (Medina County) and ending with the northernmost county (Williamson).

If these index maps show that your site is in or near the recharge zone or transition zone, consult the officially marked quadrangle maps to determine the official designation of your site. Use these index maps only as an illustration to identify the USGS quadrangle map or maps you need. If these index maps show that your site is along one of the outside edges of the contributing zone, consult our regional office to find out how to verify its official designation.

Table 1. Vendors of Officially Marked Edwards Aquifer Zone Maps

Maps of quadrangles in these counties:	Are available from these vendors:
Hays, Comal, Bexar,* Medina, Uvalde,* and Kinney*	<p>Ferguson Map Company 610 West Sunset Road San Antonio TX 78216 (210) 829-7629</p> <p>Edwards Aquifer Authority PO Box 15830 1615 N. St. Mary's San Antonio TX 78215 (210) 222-2204 (210) 222-9869 (fax)</p>
Williamson, Travis, and Hays	<p>AccuGraphics, Inc. 7801 N. Lamar Blvd. Austin TX 78752 (512) 459-4929</p>
Travis and Hays	<p>Barton Springs/Edwards Aquifer Conservation District 1124A Regal Row Austin TX 78748 (512) 282-8441</p>

*Some quadrangles in these counties were revised June 1999. Ask vendor whether current maps are available.

The marking of these zones on the official maps is based on the best current understanding of local geologic formations and water movement. These maps are adopted as part of the rules and may be revised through our standard rulemaking process when new information is available.

The following discussion will give you a general understanding of the location of each zone and how you and we must work in these areas to protect water quality in the Edwards Aquifer.

1.2.1 Contributing Zone

The contributing zone of the Edwards Aquifer includes all the watersheds that feed runoff into rivers and streams that flow over the recharge zone. These rules regulate activities in the portions of the contributing zone that are within the counties already regulated by the Edwards Aquifer rules. These areas are generally north and west of the recharge zone, as shown on the index maps in Figures 1 through 8. For a description of the approximate boundaries of this zone, see Appendix A, "Contributing Zone Boundaries."

1.2.2 Recharge Zone

Generally speaking, the recharge zone of the Edwards Aquifer is the area where the geologic layers of the aquifer come to the surface and water filters into the aquifer through cracks, fissures, caves, and other openings in these layers. In this zone, contaminants in surface water can readily enter the aquifer.

For the eight counties regulated by these rules, Figures 1 through 8 show the recharge zone as a shaded area. For a description of the approximate boundaries of this zone, see Appendix B, "Recharge Zone Boundaries."

1.2.3 Transition Zone

In the transition zone, surface features may allow surface water to enter the aquifer. This zone is characterized by many large faults that are close to the area where most public water supply wells are located. Water can move through the ground and into the aquifer along these faults.

One example of a surface feature that might be found in this zone would be a spring that flows after seasonal rains but runs dry in a drought. When flowing, the spring would be a discharge from the aquifer. When dry, the spring would be an opening through which contaminants could enter the aquifer.

One portion of the transition zone that drains to the recharge zone is officially considered to also be in the contributing zone. This area stretches across Interstate 10 mainly south of Loop 1604, in northern Bexar County. Activities on any site in this area must also meet the requirements that pertain to the contributing zone, including all related fees.

To determine the rules to follow in other portions of the transition zone that drain to the recharge zone, see "Special Cases: When a Boundary Runs through Your Site" on the next page. These areas are generally small and do not appear on the official map.

As shown in the index maps in Figures 1 through 8, the transition zone is found in neither Kinney nor Uvalde County, but is found generally south and east of the recharge zone in most other areas. For a description of the approximate boundaries of this zone, see Appendix B, "Transition Zone Boundaries."

In the transition zone, only the installation or upgrading of storage tanks and associated piping is regulated under these rules. For more information on these regulations, see "Plans for USTs" on page 3-7 or "Plans for ASTs" on page 3-8.

1.2.4 Special Cases: When a Boundary Runs through Your Site

Conceivably, a site could include an area that is not regulated under these rules *and* an area that is in either the transition zone or the contributing zone. In these cases, you must follow the applicable rules in the portion of the site that is designated as “transition zone” or “contributing zone.” Follow other applicable federal, state, and local rules as you develop other portions of the site.

On the other hand, if the boundary of the recharge zone crosses your site, more factors govern the decision of which rules you must follow. Depending on the specific circumstances, you may have to follow the rules for the recharge zone throughout the site. Here are the possibilities:




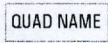




- **Site includes both recharge zone and contributing zone.** In this case, all of the site must conform with the rules for the recharge zone.
- **Site includes both recharge zone and transition zone.** In this case, you must determine the direction of flow of the natural drainage from the transition zone on your site: Does it go *to* or *away from* the recharge zone?

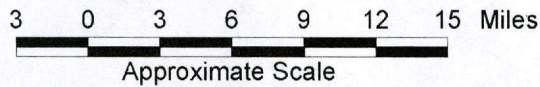
If the natural drainage goes to the recharge zone, you must follow the rules for the recharge zone throughout the site.

If the natural drainage does not go to the recharge zone, you may follow the rules for the transition zone for the portion of your site that is in the transition zone.

- **Site includes both recharge zone and areas that are not regulated.** In this case, you must follow the rules for the recharge zone in the portion of your site that is in the recharge zone. Follow other federal, state, and local rules as you develop other portions of the site.

Legend for Figures 1–8

-  **Edwards Aquifer Recharge Zone**
-  **Edwards Aquifer Contributing Zone within the Transition Zone**
-  **Contributing Zone**
-  **USGS 7.5 Min. Quadrangle Maps**
-  **Edwards Aquifer Transition Zone Boundary**
-  **Lakes**
-  **Rivers and Streams**
-  **Texas Highways**



These maps were generated by the Groundwater Assessment Section. No claims are made to the accuracy or completeness of the data or to its suitability for a scale larger than these printed maps. (M.W., June 1999)

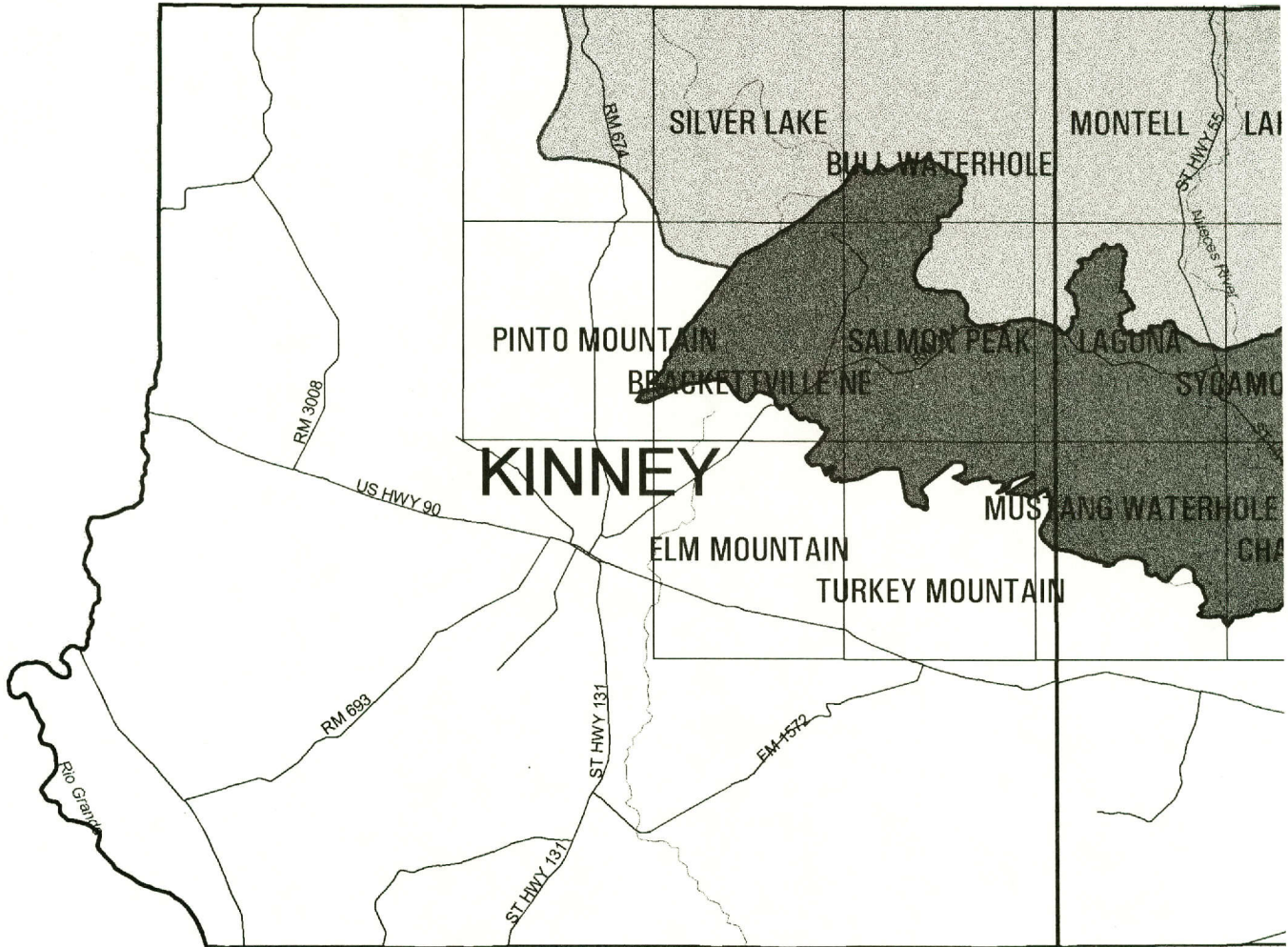


Figure 1. Edwards Aquifer Contributing Zone and Recharge Zone in Kinney County. This map is an illustration only. See legend on page 1-7. To find out whether a site is in the recharge zone of the Edwards Aquifer, consult the officially marked USGS quadrangle map indicated for that area in this figure. Areas in Kinney County that drain into the Nueces River basin and are upstream of the recharge zone are in the contributing zone; see 30 TAC Section 213.22 for the official description of the contributing zone.

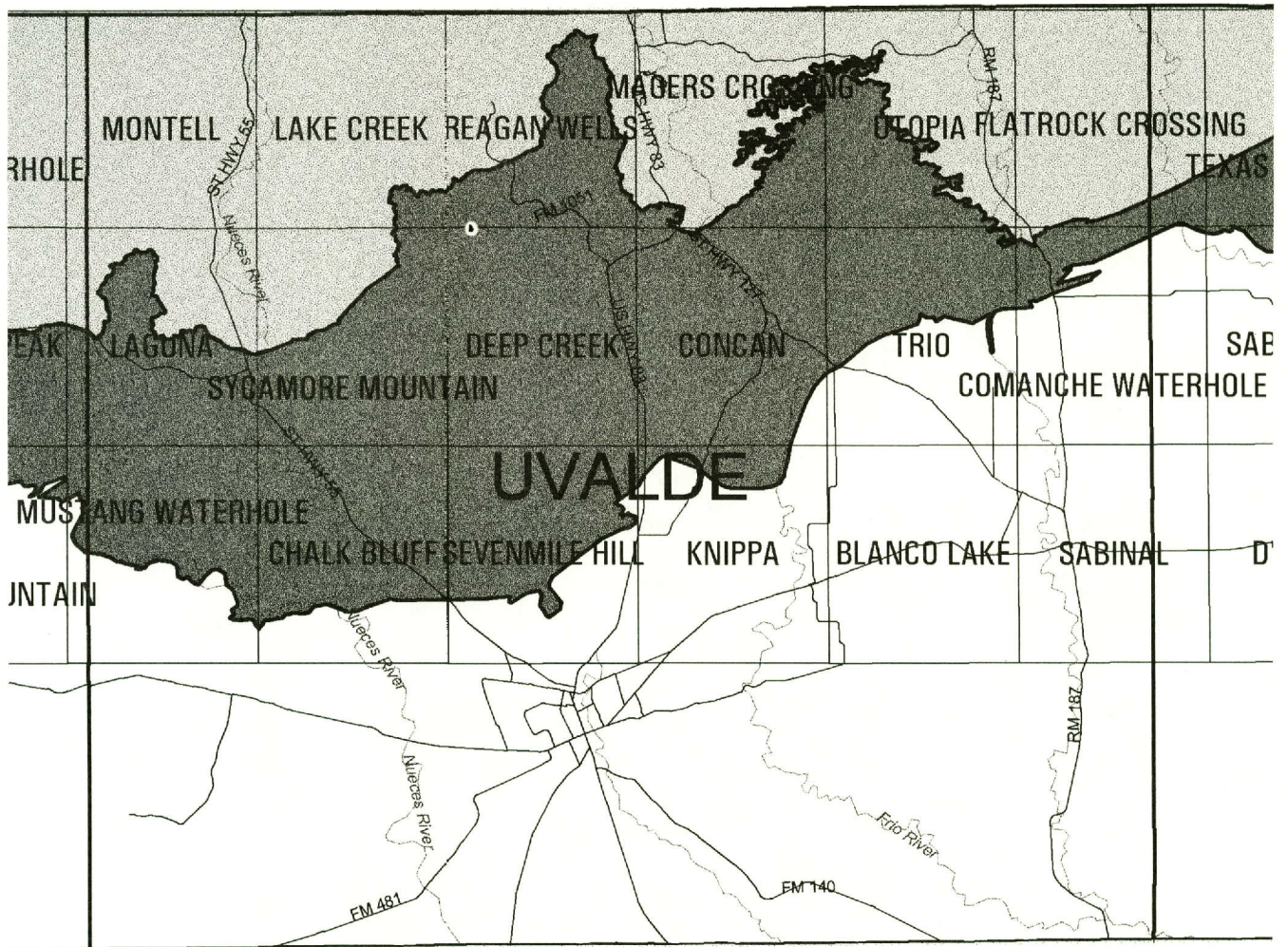


Figure 2. Edwards Aquifer Contributing Zone and Recharge Zone in Uvalde County.
 This map is an illustration only. See legend on page 1-7. To find out whether a site is in the recharge zone of the Edwards Aquifer, consult the officially marked USGS quadrangle map indicated for that area in this figure. All areas in Uvalde County that are upstream of the recharge zone are in the contributing zone.

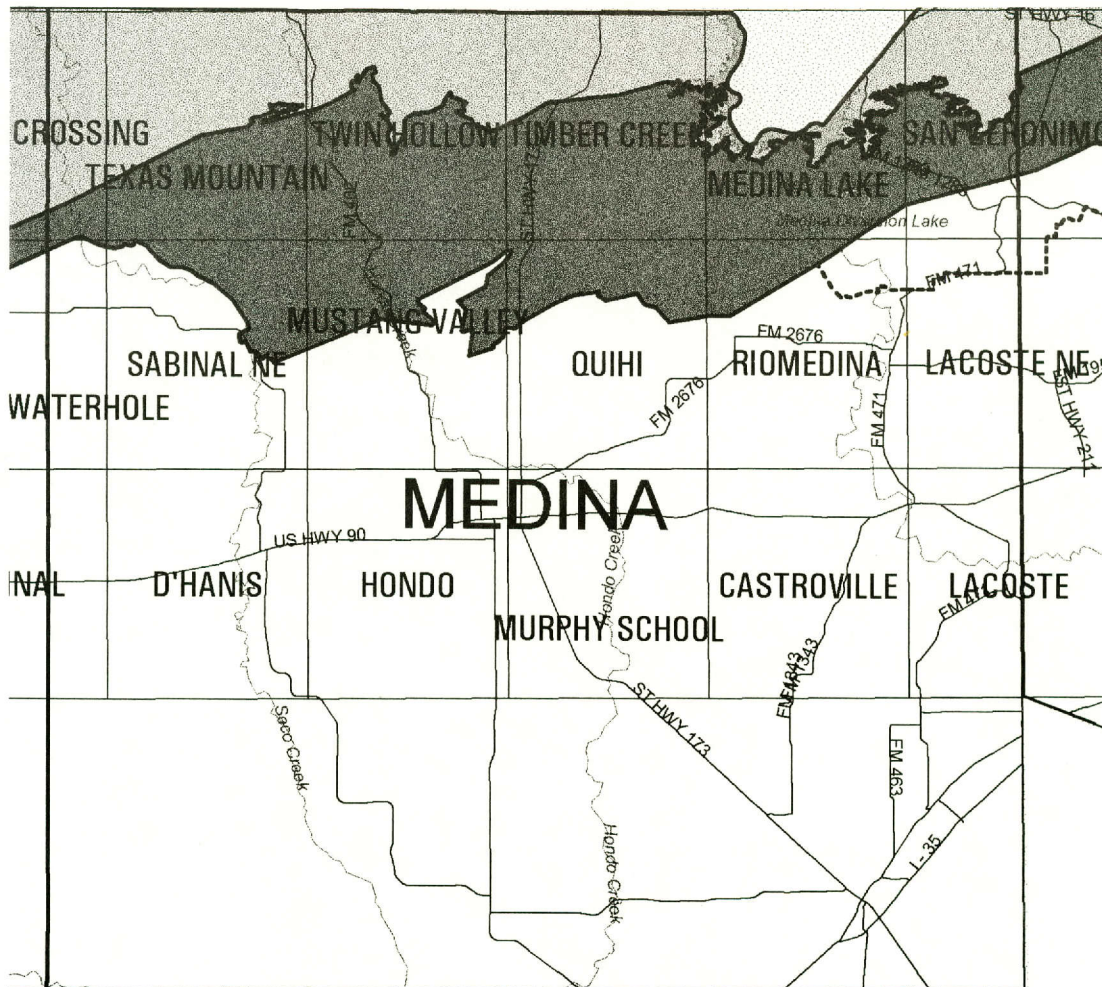


Figure 3. Edwards Aquifer Contributing Zone, Recharge Zone, and Transition Zone in Medina County. This map is an illustration only. See legend on page 1-7. To find out whether a site is in either the recharge zone or the transition zone of the Edwards Aquifer, consult the officially marked USGS quadrangle map indicated for that area in this figure. All areas in Medina County that are upstream of the recharge zone are in the contributing zone.

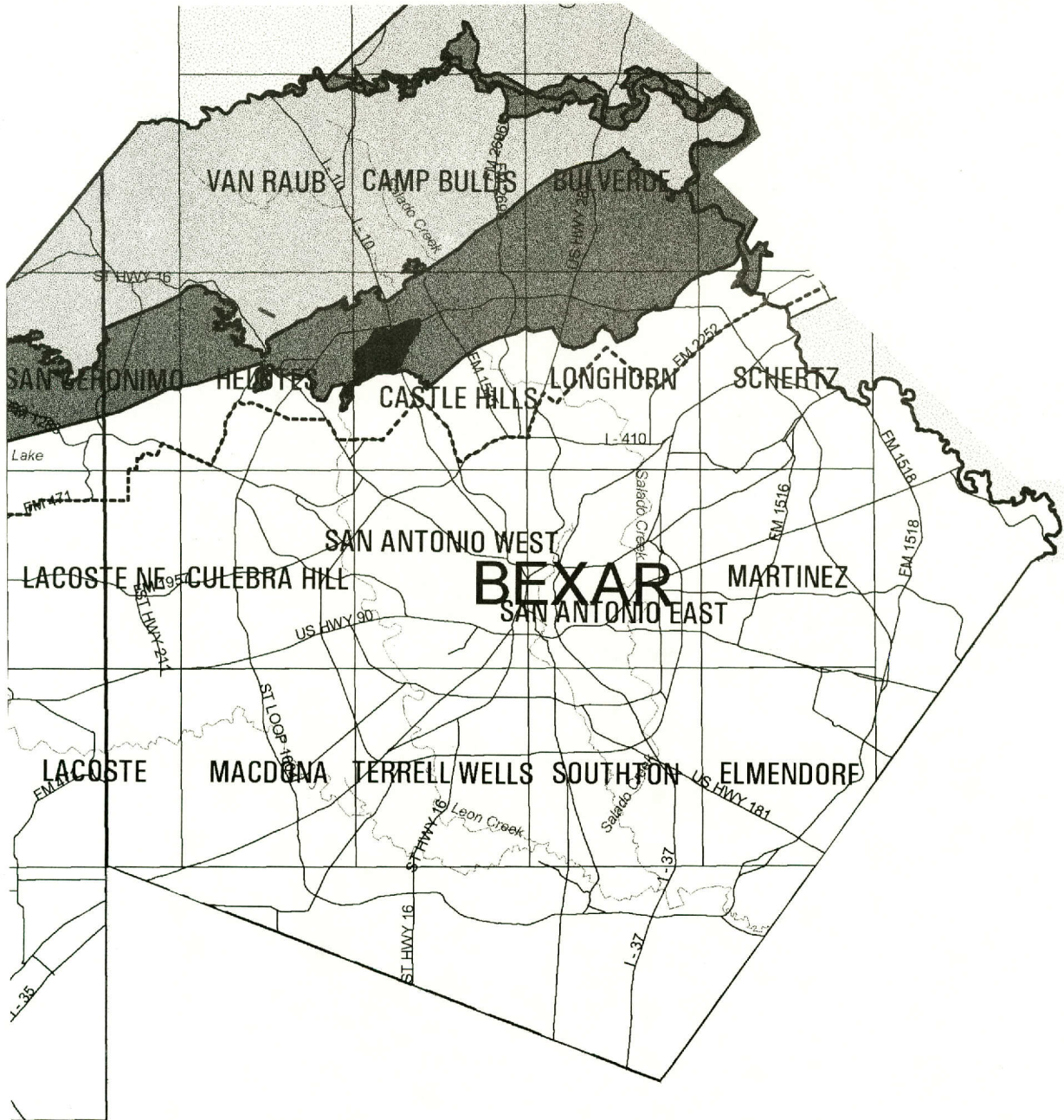


Figure 4. Edwards Aquifer Contributing Zone, Recharge Zone, and Transition Zone in Bexar County. This map is an illustration only. See legend on page 1-7. To find out whether a site is in either the recharge zone or the transition zone of the Edwards Aquifer, consult the officially marked USGS quadrangle map indicated for that area in this figure. All areas in Bexar County that are upstream of the recharge zone are in the contributing zone.

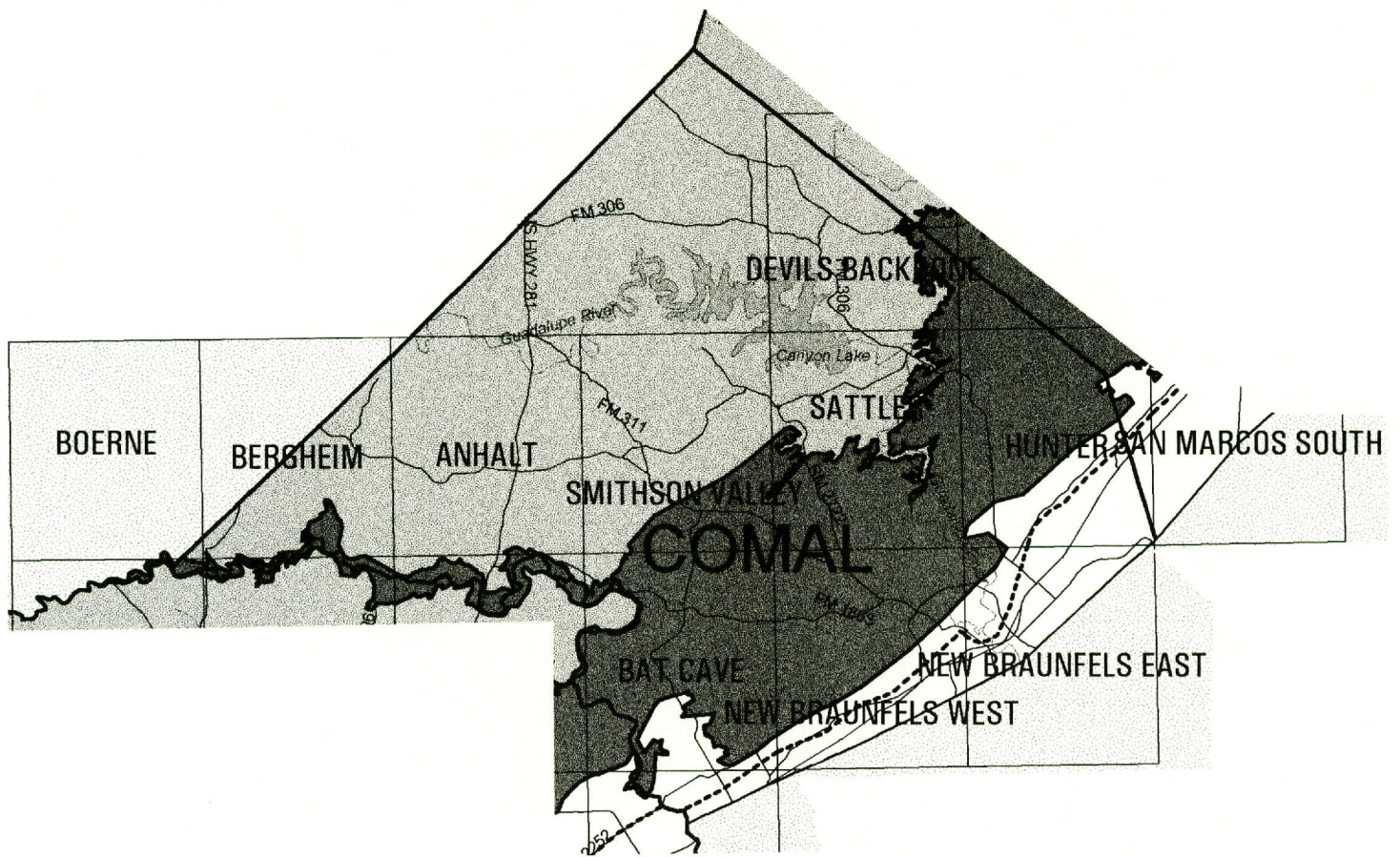


Figure 5. Edwards Aquifer Contributing Zone, Recharge Zone, and Transition Zone in Comal County. This map is an illustration only. See page 1-7 for legend. To find out whether a site is in either the recharge zone or the transition zone of the Edwards Aquifer, consult the officially marked USGS quadrangle map indicated for that area in this figure. All areas in Comal County that are upstream of the recharge zone are in the contributing zone.

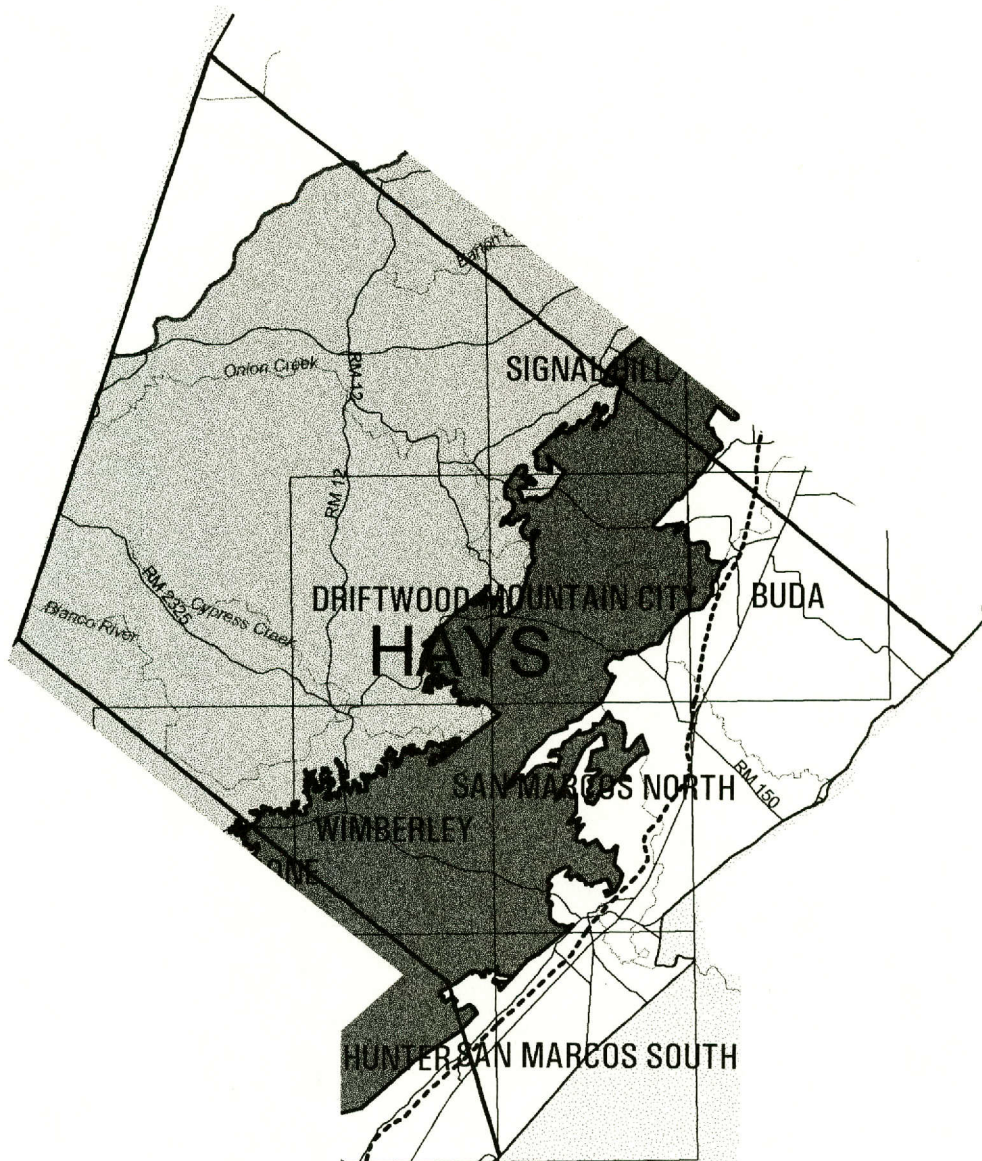


Figure 6. Edwards Aquifer Contributing Zone, Recharge Zone, and Transition Zone in Hays County. This map is an illustration only. See page 1-7 for legend. To find out whether a site is in either the recharge zone or transition zone of the Edwards Aquifer, consult the officially marked USGS quadrangle map indicated for that area in this figure. All areas in Hays County that do not drain into the Pedernales River basin and are upstream of the recharge zone are in the contributing zone.

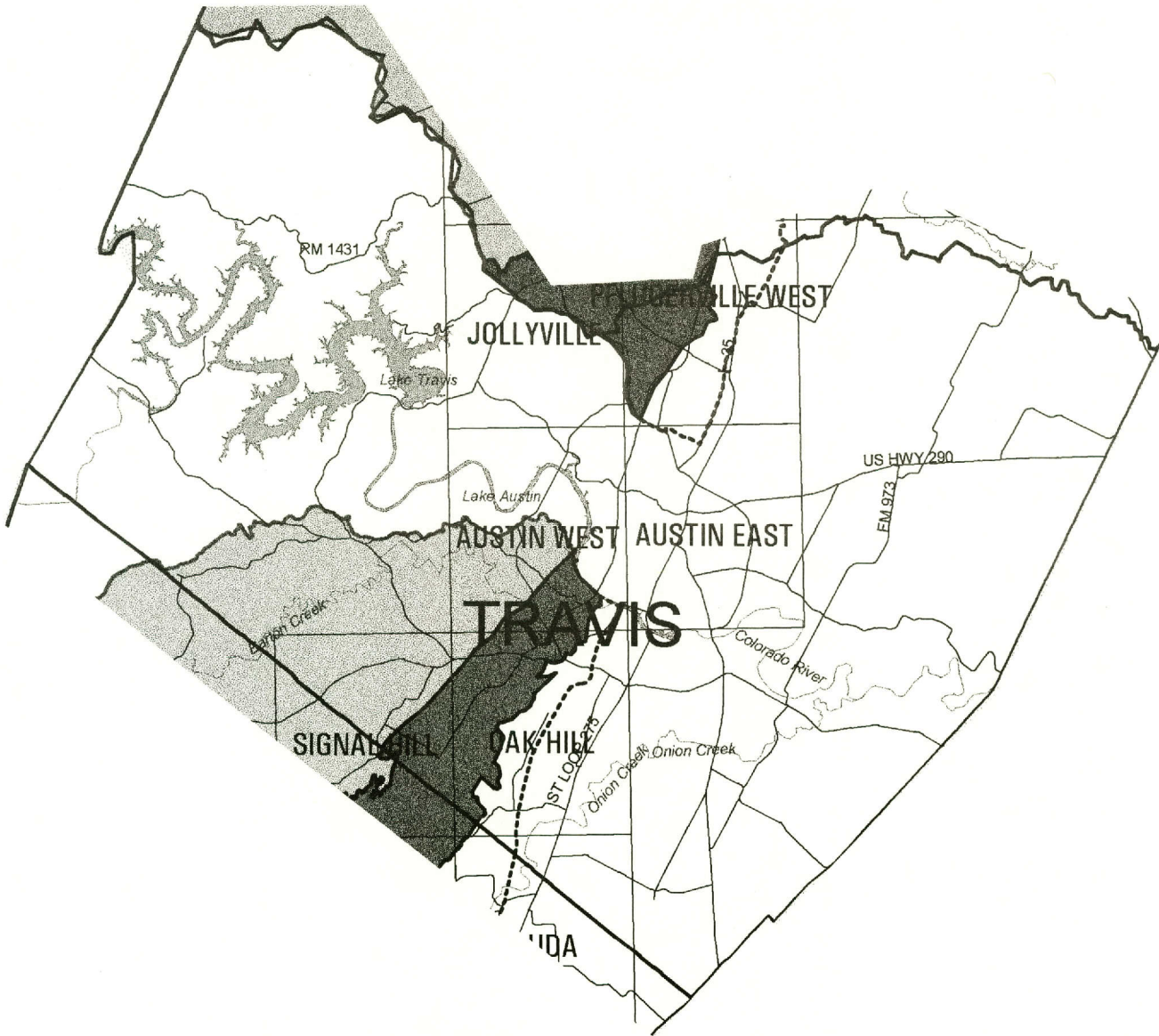


Figure 7. Edwards Aquifer Contributing Zone, Recharge Zone, and Transition Zone in Travis County. This map is an illustration only. See page 1-7 for legend. To find out whether a site is in either the recharge zone or transition zone of the Edwards Aquifer, consult the officially marked USGS quadrangle map indicated for that area in this figure. See 30 TAC Section 213.22 for the official boundaries of the contributing zone.

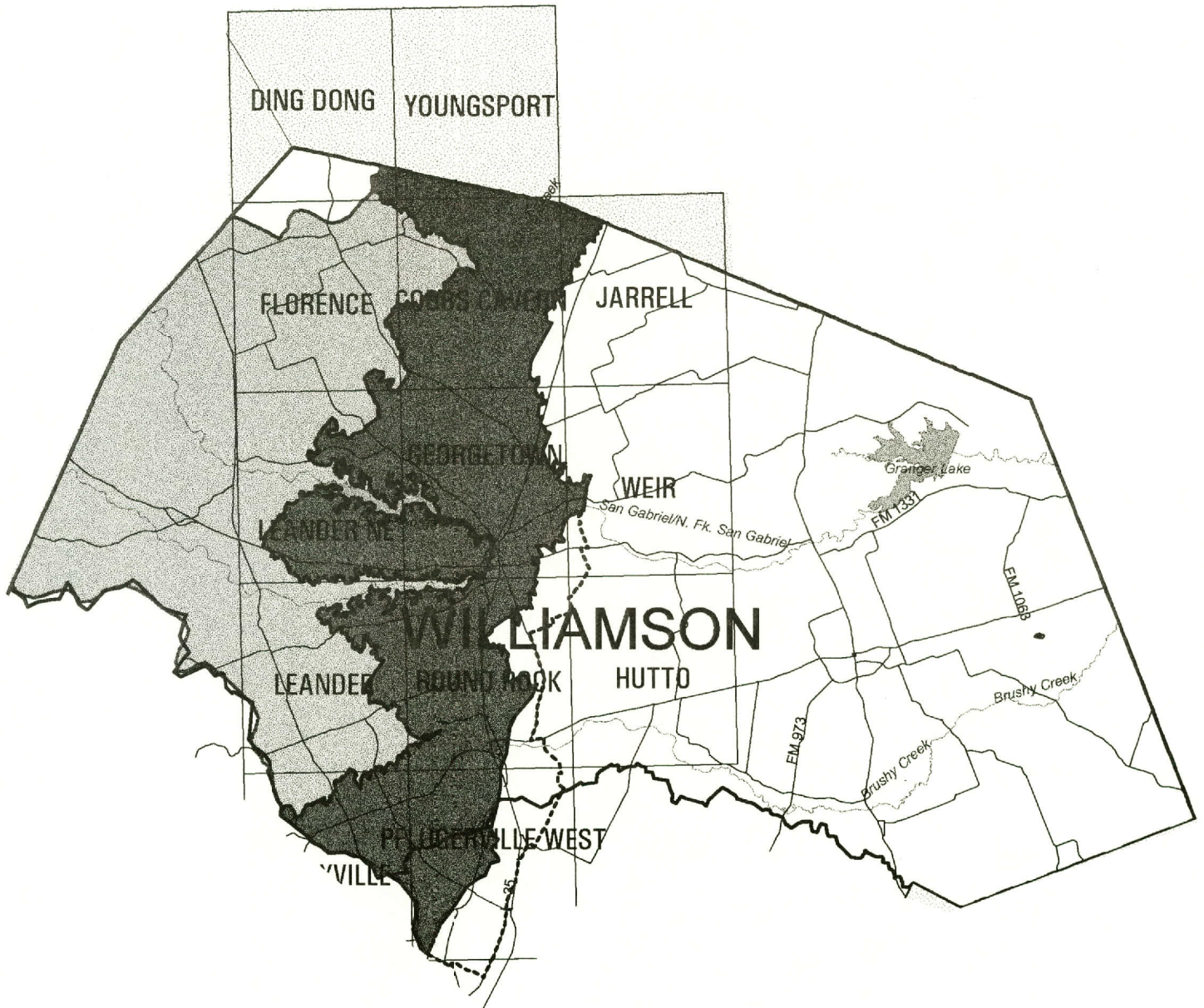


Figure 8. Edwards Aquifer Contributing Zone, Recharge Zone, and Transition Zone in Williamson County. This map is an illustration only. See page 1-7 for legend. To find out whether a site is in either the recharge zone or transition zone of the Edwards Aquifer, consult the officially marked USGS quadrangle map indicated for that area in this figure. See 30 TAC Section 213.22 for the official boundaries of the contributing zone.

2. What Activities Are Regulated?

In short, the Edwards Aquifer rules regulate activities that are related to construction and might contaminate the aquifer or the streams that feed it. Any activity that involves disturbing the soil might be regulated by these rules, including activities that are related to construction but occur after the project is complete.

Depending on the potential impacts of an activity on water quality in the Edwards Aquifer, these rules may prohibit that activity, allow the activity but regulate it, or exempt the activity from certain regulations. Activities that pose little or no risk to water quality in the aquifer are not regulated by these rules. Some of these activities are listed in “Activities Not Regulated” on page 2-5.

An earlier version of these rules may apply to projects begun before the effective date of these rules. If your project began before June 1, 1999, see “Other Activities Not Subject to These Rules” on page 2-5 to find out whether these rules apply. Regardless of when your project was begun, you must also comply with all pertinent local ordinances. Check with local authorities to find out about local rules.

2.1 Prohibited Activities

Table 2 lists activities that are prohibited in one or more of the zones affected by the Edwards Aquifer rules. Wherever these activities are not prohibited, they are regulated by other rules that apply statewide.

Table 2. Activities Prohibited under Edwards Aquifer Rules

This activity:	Is prohibited in the:	And is regulated elsewhere under:
Waste disposal wells	Recharge and transition zones	30 TAC Chapter 331
New concentrated animal feeding operations (feedlots)	Recharge zone	30 TAC Chapter 321
Land disposal of toxic or hazardous wastes	Recharge and transition zones	30 TAC Chapter 335
Sewage holding tanks	Recharge zone	30 TAC Chapter 317
New Type 1 MSW landfills	Recharge and transition zones	30 TAC Chapter 330 [Subsections 330.41(b), (c), and (d) define these landfills]

2.2 Examples of Regulated Activities

The Edwards Aquifer rules mention these examples of regulated activities:

- the construction of buildings, utility stations, utility lines, roads, highways, or railroads;
- clearing, excavation, or any other activity that alters or disturbs the topographic, geologic, or existing recharge characteristics of a site;
- the installation of underground or aboveground storage tanks on either the recharge zone or the transition zone, if these tanks are designed to store either hazardous substances or fuels, lubricating oils, mineral spirits, or other petroleum-based liquids. (We will refer to these regulated storage tanks in this publication as USTs and ASTs, respectively.)

Activities that are not on this list may still be regulated. In the rules, the definition of “regulated activities” ends with the phrase, “*any other activities* that may pose a potential for contaminating the Edwards Aquifer and hydrologically connected surface streams” (emphasis added).

In the contributing zone, the most common regulated activities are the construction of typical single-family subdivisions or of large-scale commercial or industrial facilities. In the recharge zone, the installation or improvement of an organized sewage collection system, UST, or AST is also regulated. In the transition zone, only the installation or upgrading of USTs or ASTs and associated piping is regulated.

2.3 Activities Exempt from One or More Plan Requirements

Activities that are exempt from plan requirements are still regulated. For some of these activities, you are exempt from having to comply with one requirement of the rules. Other activities are exempt from having to file a plan at all.

Even if your activity is exempt from one or more requirements, you still must install temporary erosion and sedimentation controls before any other work begins and maintain these controls throughout the construction process. You must wait until vegetation is established and the exposed soil in the construction area is stabilized to remove these controls.

We will inspect these temporary controls periodically. If our monitoring indicates that your project’s controls are not adequately protecting water quality, we will require you to install additional protection.

2.3.1 Activities for Which No Plan Is Required

The following activities do not require you to file a plan with us. You do not even have to contact us before beginning the activity. If you want clarification, you may call your local regional office.

- The installation of natural gas lines, telephone lines, electric lines, water lines, or other utility lines that do not carry pollutants, stormwater runoff, sewage effluent, or treated effluent from a wastewater treatment facility.
- The installation of a permanent UST or AST facility with a cumulative storage capacity of less than 500 gallons.
- The installation of equipment used to transmit electricity that uses oil for insulation or cooling, including transformers and oil circuit breakers. The construction of supporting structures is **not** exempt.

In the contributing zone, no plan is required for these activities:

- installing storm sewers, sanitary sewers, natural gas lines, telephone lines, electric lines, water lines, or other underground utilities;
- installing underground storage tanks;
- building a single-family home on a site that meets one of these criteria:
 - ▶ Impervious cover after construction does not exceed 20 percent of the total area. "Impervious cover" is pavement, rooftops, and other hard surfaces that prevent water from soaking into the ground. Surfaces that are used to collect rainwater for domestic water supplies are not counted as impervious cover.
 - ▶ The site is greater than 5 acres in size.
 - ▶ The site is not a part of larger development or sale that may disturb a total of 5 acres or more.

2.3.2 Activities Exempt from Installing Permanent Best Management Practices

Using low-density construction when building homes is itself considered to be a permanent best management practice (BMP) for maintaining water quality. For this reason, the Edwards Aquifer rules do not require you to install other permanent BMPs under these circumstances:

- the construction of one single-family home on one lot if the proposed impervious cover totals no more than 20 percent of the lot size;
- the construction of a low-density single-family residential development with 20 percent impervious cover or less.

To claim this exemption, file a water pollution abatement plan stating that you are claiming an exemption from permanent BMPs because you are going to keep impervious cover to 20 percent of the total area of the site or less.

At your request, we may also waive the requirement for other permanent BMPs if your site is to be used for a multifamily residential development, a school, or a small business and the developed site will have no more than 20 percent impervious cover.

You must record this exemption from permanent BMPs in the county deed records. The recorded notice must make these points clear:

- The property owner must notify our regional office if the percentage of impervious cover increases above 20 percent.
- The property owner also must notify our regional office if the land use changes from the use described in your approved plan.
- To make either of these changes could cause the loss of this exemption for the whole site.

If your project qualifies for one of these exemptions, you must still file a water pollution abatement plan if the project is on the recharge zone or a contributing zone plan if the project is on the contributing zone.

2.3.3 Activities Exempt from Conducting a Geologic Assessment

Single-family residential subdivisions constructed on less than 10 acres are exempt from the requirement to conduct a geologic assessment. You still must file a water pollution abatement plan for these projects on the recharge zone or a contributing zone plan on the contributing zone.

2.3.4 Activities Exempt from Deed Recordation

The construction of a public street or highway is exempt from the deed recordation requirement. The installation of an organized sewage collection system is also exempt from this requirement.

2.4 Activities Not Regulated

Table 3 lists some activities that seem like they might be regulated but are not. You do not need to file a plan or contact us before beginning any of these activities.

Table 3. Activities not Regulated by the Edwards Aquifer Rules

Class of Activity	Examples
Agriculture (other than new feedlots)	Ranching, farming, tilling soil for new crops, turning old crops under
Clearing land without disturbing the soil	Mowing, clearing a survey path, cutting brush without grubbing
Certain activities regulated by the Railroad Commission	Exploration, development, or production of oil, gas, or geothermal resources
Routine maintenance	Resurfacing existing roads, parking lots, tennis courts, or other hard surfaces; building fences; other similar activities
Building single-family homes on large lots	Developments in which each lot covers at least 5 acres and only one single-family home is built per lot

2.5 Other Activities Not Subject to These Rules

Construction or other activities that began before June 1, 1999, may not have to comply with these rules. One factor in determining whether these rules apply is whether the designation for the area including your site changed with these rules.

2.5.1 In Areas for Which Designation Did Not Change

Affects most areas in recharge and transition zones

If you have an approved Edwards Aquifer protection plan in place and that plan has not expired, you may carry out construction or other regulated activities as described in your plan and approval letter.

You must submit a new Edwards Aquifer protection plan to the local TNRCC regional office if you did not have an approved plan in place or if an approved plan that you had in place has expired. This new plan must comply with all provisions of the new rules. You may not begin any related construction or other regulated activities until you receive our approval of this new plan.

2.5.2 In Areas for Which Designation Has Changed

2.5.2.1 Areas Not Regulated before June 1

Recharge zone: Affects portions of Bexar, Kinney, and Uvalde Counties

Contributing zone: Affects all eight counties

Your development will not be subject to these rules if it meets these two conditions:

- On June 1, you had already obtained all federal, state, and local approvals or permits required to begin physical construction.
- On-site construction directly related to the development has begun or does begin on or before December 1, 1999.

The permit review and approval processes of local authorities vary widely. Also, to some extent, the activities that constitute the beginning of on-site construction depend on the type of project. For these reasons, our regional offices will have to determine whether a project meets these conditions on a case-by-case basis.

2.5.2.2 Contributing Zone Within the Transition Zone

Affects one area in Bexar County

One area in Bexar County is now designated as being in both the transition zone and the contributing zone. This area formerly was designated as transition zone only.

If your development is in this area, you may choose to follow only the rules for the transition zone if you already have an approved plan in place and these two conditions are met:

- On June 1, you had already obtained all federal, state, and local approvals or permits required to begin physical construction.
- On-site construction directly related to the development has begun or does begin on or before December 1, 1999.

The San Antonio regional office will determine whether a project meets these conditions on a case-by-case basis.

Other projects in this area must follow both sets of rules—those for developments in the transition zone and those for developments in the contributing zone.

2.5.2.3 Other Areas Moved to Contributing Zone June 1

Affects portions of Kinney and Uvalde Counties

If you own land that was designated as recharge zone before June 1 but is now designated as contributing zone, you fit into one of these two categories:

- You have not developed your land since the first recharge zone rules were established in 1970. If you wish to develop your land now, then the rules for the contributing zone apply to you.
- You have been developing your land according to an approved water pollution abatement plan (WPAP) under the earlier rules for the recharge zone. You may continue to develop your property under your existing WPAP as long as it remains valid. In this circumstance, we do not recommend that you submit a new contributing zone plan. However, for any new developments not covered by your existing WPAP, you must submit a contributing zone plan application for our approval and pay the required fee.

2.6 Exceptions to These Rules

You may request an exception from any or all of the substantive provisions of these rules. For example, you would need to file an exception request in one of these situations:

- Because previous development has paved the entire site, you believe that nothing would be learned from a geologic assessment. You may request an exception to develop a plan without a geologic assessment.
- Your site has been developed before, and you plan on conducting construction that will result in a negligible increase in impervious cover. You may request an exception to develop your project without a new plan.
- Previous activity on the site has altered the topography and features to the point that a geologic assessment would produce no meaningful information. You may request an exception to develop a plan without a geologic assessment.

2.6.1 How to Request an Exception

To request an exception, complete the appropriate form—in the contributing zone, form TNRCC-10262; in the recharge or transition zone, form TNRCC-0628. Submit this form separately from your plan, along with its own cover letter, fee application form, and fee. The fee for any exception request is \$250.

You may file your exception request either before or at the same time as you file your plan application—but if you do file both at the same time, **be sure** you file the exception request **as a separate application**. We will review and respond to your exception request within 30 days of when we receive it.

As part of your request, you must prove to us that water quality in the Edwards Aquifer will be protected as well if we grant your exception as it would be if you developed your project under these rules.

We cannot grant an exception for new feedlots on the recharge zone or any other activity that is prohibited under these rules.

2.6.2 When an Exception Is Not Required

You do not need to request an exception to propose the use of innovative technologies. See “Innovative Technology: Use and Evaluation” on page 3-63 of *Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices* (TNRCC publication RG-348) for information on proposing innovative technologies.

You also do not need to request an exception to propose alternative BMPs, to request to seal a sensitive feature, or to deviate from one or more specifications given in these rules—for example, the minimum flow rate for a sanitary sewer. Put any information of this nature in the plan itself.

If you have any questions about whether you need an exception request, contact the EAPP staff in your local regional office. See “How to Contact Us” on page 7-2 for the addresses and phone numbers of the regional offices that administer this program.

3. Plans Required under These Rules

Under the Edwards Aquifer Rules, you must develop a plan for protecting water quality during and after construction unless your project or other activity is not regulated (see “Activities Not Regulated” on page 2-5) or fits one of the criteria mentioned under “Activities for Which No Plan Is Required” on page 2-3.

Your plan must show how water quality will be protected not only before and during construction but also as people move in to your residential development, work in the businesses you build, or carry on the many other activities of daily life anticipated in your project.

3.1 General Features of These Plans

The plans required under the Edwards Aquifer rules have these general features in common:

- (1) You must prepare your plan before construction begins. The type of plan or plans needed and the type of activity that calls for a plan depend on the zone you are working in. Also depending on the zone, certain activities are exempt from this requirement. Your plan will cover these key points:
 - in the recharge and transition zones, how your site can be developed without impairing recharge features;
 - the permanent best management practices (BMPs) needed to ensure that your development or other activity does not impair the quality of water entering the aquifer.
- (2) Before you may begin construction, file your plan with us and apply for our approval. When you file your application, you must also pay an application fee. The amount of this fee depends on what you plan to do and which zone your site is in. You are exempt from paying this fee if you are exempt from filing a plan. See “Determining Your Application Fee” on page 4-1 for more information about these fees.
- (3) Before construction begins, install temporary stormwater control measures, also known as “temporary BMPs.” Maintain these temporary BMPs throughout construction. Even if you are exempt from the first two requirements, you must comply with this portion of the rules. We will inspect your temporary BMPs periodically to ensure that they are protecting water quality.
- (4) Install and maintain permanent stormwater control measures, or “permanent BMPs.” If you must comply with requirements (1) and (2) above, you probably will have to install permanent BMPs. If so, you must also develop a plan for their continued maintenance.

The installation of an organized sewage collection system (SCS), UST facility, or AST facility poses unique and serious concerns for protecting the aquifer and surface waters. Depending on the zone, you may also have to prepare another specific plan that addresses these concerns if you wish to engage in these regulated activities. See “Plans for Specific Concerns” on page 3-4 for more information about these activities in each zone.

You must notify us and get our approval if you modify these plans after we approve them. You must also notify us if you encounter any unforeseen sensitive features during construction. See “Inform Us of Any Modifications You Plan to Make” on page 6-3 or “Notify Us If You Discover a Sensitive Feature” on page 6-2 for more information.

3.2 General Plans for Protecting Water Quality

Two water quality protection plans can be modified to fit many different types of regulated activities. One of these plans, the contributing zone plan, presents the information needed to determine whether a general construction project is protective of water quality in the contributing zone or in the “contributing zone within the transition zone.”

The other plan, the water pollution abatement plan (WPAP), presents the information needed to ensure that general construction projects in the recharge zone protect water quality in the Edwards Aquifer.

3.2.1 Contributing Zone Plan

For most large-scale or high-density construction and other regulated activities in the contributing zone, you must develop a contributing zone plan. This plan must identify the development, subdivision, or facility for which you are preparing the plan, give us information needed to contact you, describe the site well enough that a field inspector can find it and clearly recognize its boundaries, provide a report containing technical information about your project, and provide other necessary information if we request it.

The technical report for your contributing zone plan must include the following information, which you may provide in the form of the Storm Water Pollution Prevention Plan (SWPPP) you must prepare under the federal National Pollutant Discharge Elimination System (NPDES) general permit:

- a legible road map with the location of the site marked and directions to the site indicated, including mileage;
- a detailed site plan at a minimum scale of 1 inch to 400 feet showing the layout of the development, showing drainage before and after grading, and indicating the locations of

proposed stormwater controls, surface waters, wetlands, stormwater discharges, and related features;

- a description of the nature of the regulated activity (residential, commercial, industrial, or utility), including the size of the site, the projected population, the amount and type of impervious cover expected after construction is complete, the amount of surface area expected to be occupied by parking lots, and other factors that could affect water quality;
- an estimate of the volume and character of stormwater runoff anticipated to occur;
- information about activities or processes that may be a potential source of contamination during and after construction;
- a detailed description of temporary BMPs to be used to protect water quality during construction.

The following information may not be in your SWPPP but **must** be in your contributing zone plan:

- a detailed description of the permanent BMPs to be used to protect water quality after construction is complete;
- a description of measures to be used to prevent contamination of surface streams due to changes in streamflow conditions after development;
- a description of the wastewater disposal method to be used at the site;
- a description of measures that will be used to contain any spill of fuels, other liquid petroleum substances, or hazardous substances—for example, spills from a roadway, pipeline, or temporary aboveground storage tank;
- the location of permanent AST facilities.

To provide us this information, you must complete form TNRCC-10257, “Contributing Zone Plan Application,” and submit it to our regional office.

3.2.2 Water Pollution Abatement Plan

For most construction and other regulated activities in the recharge or transition zone, you must complete a water pollution abatement plan (WPAP). Like the contributing zone plan, this plan must identify the development, subdivision, or facility for which you are preparing the plan, give us information needed to contact you, describe the site well enough that a field inspector can find

it and clearly recognize its boundaries, provide a report containing technical information about your project, and provide other necessary information if we request it.

Unlike the contributing zone plan, you may not submit the federally required SWPPP in place of a portion of your WPAP application. Also, the required map showing the general location of your site must be prepared from a copy of the official recharge zone map, with the quadrangle name and the transition and recharge zone boundaries clearly marked. If necessary, you may prepare this map from a composite of copies of official maps, indicating all applicable quadrangle names. This map must also indicate all paths of drainage from the site.

In addition to the technical information required in a contributing zone plan, your WPAP must include the following information:

- the location of all known wells;
- the location of any sensitive feature or features described in the geologic assessment;
- a geologic assessment, as described on page 3-10;
- a detailed technical report, giving information about impacts on groundwater as well as the information required in a contributing zone plan application;
- greater detail on temporary and permanent BMPs.

In outlining the contents of a WPAP, the Edwards Aquifer rules spell out a number of specific requirements designed to protect the aquifer and its recharge features during and after construction. You must use form TNRCC-0584, "Water Pollution Abatement Plan Application," to give us most of this information. Also, form TNRCC-0592 contains examples of boilerplate language for use in construction notes. Your project's blueprints must include these notes or substantially similar language. Your WPAP application must include a copy of the construction notes used.

See Appendix D, "Checklists for Application Packages," for a complete list of the forms and other information you must submit with your WPAP application.

3.3 Plans for Specific Concerns

As a rapid-recharge aquifer, the Edwards Aquifer could become contaminated quickly if sewage or a hazardous material were to leak into a recharge feature. For this reason, the Edwards Aquifer rules require specific plans for sewage collection systems as well as storage tanks used to store fuels or hazardous substances, below or above ground, in the recharge and transition zones.

A large spill of a hazardous substance in the contributing zone could also threaten the aquifer. To protect against this threat, these rules also call for spill-containment measures to be designed into any facility that is intended to store fuels or hazardous materials in large ASTs in the contributing zone.

3.3.1 Plans for Sanitary Sewer Systems

Throughout Texas, sewage collection systems must be designed to meet the requirements found in 30 TAC Chapter 317, “Design Criteria for Sewerage Systems.” In the eight counties affected by the Edwards Aquifer rules, you must also follow standards set forth in these rules if you install, rehabilitate, or replace any sewage collection system in the recharge zone.

3.3.1.1 What Is an Organized Sewage Collection System?

An “organized sewage collection system” (SCS) is considered to begin where two lateral lines that serve individual buildings, or “private service laterals,” connect. The SCS extends from this point all the way to the sewage treatment plant. Private service laterals are not regulated under these rules. However, these laterals must be connected properly to the sewer mains, and these connections must be inspected and approved by a licensed professional engineer, a registered sanitarian, or, if applicable, a city inspector.

An SCS includes any and all gravity lines, force mains, lift stations, and other structures that convey wastewater from the places where it is produced to the treatment facility.

3.3.1.2 Plans Required

To install, rehabilitate, or repair any SCS on the recharge zone, you must file an SCS plan application (form TNRCC-0582). If the SCS design includes lift stations, force mains, or both, you must also file a lift station/force main (LS/FM) system application (form TNRCC-0624).

Regardless of the type of system, the construction documents and engineering design reports required by these rules must be prepared by or under the direct supervision of a licensed professional engineer and must be signed, sealed, and dated by that engineer. These plans must include the pertinent set or sets of general construction notes—for SCSs in general, form TNRCC-0596; for lift stations and force mains, form TNRCC-0591.

You must also submit a completed form TNRCC-10243, “Wastewater Permits Section Submittal Application,” to comply with statewide rules for SCSs. For a complete list of

all TNRCC forms and other materials you must include with these applications, see Appendix D, “Checklists for Application Packages.”

3.3.1.2.1 *Rules Applicable to SCSs in the Recharge Zone*

In addition to statewide standards, the Edwards Aquifer rules call these additional items for SCS plans:

- All SCS manhole covers and rings that you install, rehabilitate, or replace must be watertight.
- Gravity collection lines must be made of polyvinyl chloride (PVC) pipe with a standard dimension ratio of 35 or less.
- Materials used to backfill and embed completed sewer lines must meet the standards applicable statewide; you must **not** use sand to backfill sewer lines installed in blasted rock.
- New sewer lines must be constructed with stubouts to accommodate anticipated extensions. These stubouts must be sealed with a manufactured cap to prevent leakage. Other extensions must be connected with a manufactured saddle according to accepted plumbing techniques.
- Sewer lines that bridge caverns or sensitive features must be built to maintain their structural integrity across that span. When a sensitive feature is encountered during construction, construction must stop immediately. Within two working days, you must notify our regional office in writing of the location and extent of the discovered feature. For more information about rules regarding the discovery of sensitive features, see “Notify Us If You Discover a Sensitive Feature” on page 6-2.
- You may not construct a sewer line within the five-year floodplain unless you request and receive an exemption from our regional office. To receive this exemption, you must prove that locating the sewer line in the floodplain is unavoidable. If floods could erode the backfill, you must cap the trench—or encase the lines—with at least 6 inches of concrete.

Also, see “Initial Certification of New Lines” on page 6-6 for information about the requirements for certifying new sewer lines. The requirements for inspecting existing sewers are discussed in “Five-Year Testing of Existing Lines” on page 6-7.

3.3.1.2.2 Rules Applicable to LS/FM Systems in the Recharge Zone

The Edwards Aquifer rules set these additional standards for LS/FM systems in the recharge zone:

- Lift stations must be designed and built to ensure that no sewage bypasses occur.
- Force mains must be constructed of PVC pipe that has a working pressure rating of 150 pounds per square inch.

3.3.2 Plans for USTs

Depending on their contents, leaking underground storage tanks could pose a hidden threat to water quality in the Edwards Aquifer. In particular, USTs used for the storage of hazardous substances or “static hydrocarbons” could impair water quality in the aquifer if they were to leak.

The term “static hydrocarbon” refers to gasoline, diesel fuel, lubricating oils, light paraffins, and other petroleum substances that are liquids at normal atmospheric pressure and a temperature of 20°C, which is 68°F. Natural gas, propane, butane, and other gases that become liquids at high pressures are not “static hydrocarbons.”

3.3.2.1 Features Required in USTs

USTs installed in the recharge or transition zone must have these features if they are to store petroleum-based fuels, other petroleum substances, or hazardous substances:

- tanks that are double-walled or have an equivalent construction that meets our approval;
- a design that allows the monitoring for releases into the space between the inner, or “primary,” wall and the outer, or “secondary,” wall of the tank and piping systems;
- the ability to continuously monitor the tank and piping system for leaks;
- the ability to immediately alert personnel on site of any possible leakage.

Any UST installed within 150 feet of a well or other sensitive feature must have tertiary containment—for example, a double-walled system within a liner or vault.

3.3.2.2 Plans Required

If you plan to install or upgrade tanks or piping at a UST in the recharge zone, transition zone, or “contributing zone within the transition zone,” you must complete and submit form TNRCC-0583, “Underground Storage Tank Facility Plan Application.” You must also submit a completed geologic assessment (forms TNRCC-0585 and TNRCC-0585-Table). See “Geologic Assessment” on page 3-10 for more information about this requirement.

For a complete list of all TNRCC forms and other materials you must include with your UST facility plan application, see Appendix D, “Checklists for Application Packages.”

3.3.2.3 Counting “Units” to Determine Your Fee

The application fee for a UST facility plan depends on the number of “units” in the facility. If you are installing or replacing one or more tanks, count the number of tanks to determine the number of units. In this case, the piping system is included as a part of each tank and is not considered to be a separate unit. A compartment tank is considered to be one unit.

If your planned project involves only repairing or replacing the piping system for an existing UST facility, count the piping for the entire facility as one unit.

3.3.3 Plans for ASTs

Aboveground storage tanks (ASTs) used for the storage of hazardous substances or “static hydrocarbons” must be properly contained to minimize the risk of contaminating the aquifer. For the definition of “static hydrocarbons,” see “Plans for USTs” on page 3-7.

3.3.3.1 Controlling Drainage at AST Facilities

In the recharge, transition, or contributing zone, regulated ASTs must be constructed within a controlled-drainage area that meets these standards:

- The area must be able to capture 1.5 times the total storage capacity of the AST (or ASTs), including associated piping located within the controlled-drainage area.
- The material used to construct area must be impervious to the substance being stored.

- The area must be designed to ensure that all spills are directed to a point convenient for collection and recovery.

Any spills that do occur must be collected from the controlled-drainage area and removed within 24 hours.

3.3.3.2 Plans Required

If you plan to install or upgrade tanks or piping at an AST facility in the recharge zone, transition zone, or “contributing zone within the transition zone,” you must complete and submit form TNRCC-0575, “Aboveground Storage Tank Facility Plan Application.” You must also submit a completed geologic assessment (forms TNRCC-0585 and TNRCC-0585-Table). See “Geologic Assessment” on page 3-10 for more information about this requirement.

For a complete list of all TNRCC forms and other materials you must include with your AST facility plan application, see Appendix D, “Checklists for Application Packages.”

If your site is in the contributing zone, use only the contributing zone application to give us the information we need about your plans for an AST facility.

3.3.3.3 Counting “Units” to Determine Your Fee

The application fee for an AST facility plan depends on the number of “units” in the facility. If you are installing or replacing one or more tanks, count the number of tanks to determine the number of units. In this case, the piping system is included as a part of each tank and is not considered to be a separate unit. A compartment tank is considered to be one unit.

If your planned project involves only repairing or replacing the piping system for an existing AST facility, count the piping for the entire facility as one unit.

3.4 Technical Components of These Plans

Plans for activities in the recharge and transition zones have a number of technical components in addition to the forms for the plans themselves. The most significant of these is the geologic assessment, which reveals to a large extent what can be done on your site, where it can be done, and how it can be done.

Your site plan, which shows your planned facility or development in detail, is another key technical component of your plans. See “Contributing Zone Plan” on page 3-2 and “Water Pollution Abatement Plan” on page 3-3 for more information about the site plans you must submit with your application.

Two other technical components of these plans are reports on your intended stormwater controls. Although there is no separate report on stormwater issues in the contributing zone plan, you must address these issues in the contributing zone plan application itself.

3.4.1 Geologic Assessment

In the recharge and transition zones, the geologic assessment is one of the first and most important elements of your plan. In this assessment, a qualified geologist must investigate your site and describe its geologic features in a detailed report.

3.4.1.1 When a Geologic Assessment Is Required

In the recharge zone, you must have a geologic assessment for any regulated activities except for the construction of single-family residential subdivisions on less than 10 acres. However, if your only “regulated activity” is the construction of a sanitary sewer system, you may limit the geologic assessment to a corridor that includes the path of the proposed sewer lines *plus* 50 feet to each side of this path.

In the transition zone, including the “contributing zone within the transition zone,” a geologic assessment is required if you wish to install one or more regulated USTs or ASTs. However, you may limit this assessment to the portion of your site on which you plan to build the storage tank or storage tank facility.

This assessment is not required for sites that are completely within the contributing zone.

3.4.1.2 How a Geologic Assessment Is Done

In the geologic assessment, the consulting geologist will actually study and survey your site. In this survey, the geologist will identify all geologic features present—for example, sinkholes, caves, faults, surface streams, or fissures—and determine whether they are likely to allow contaminants to reach the Edwards Aquifer. The geologist will also evaluate these features to determine whether water could flow through them to recharge the aquifer.

Wells and other man-made features that are likely to connect the surface to the aquifer will also draw the geologist's attention.

From the results of this survey, your geologist will produce a report that contains these elements:

- a detailed map that shows the location of each geologic feature found;
- a chart showing all the geologic layers present, including their composition and thickness;
- a description and evaluation of all features, cross-referenced to the map and stating which features are sensitive (this evaluation will be presented in a "geologic assessment table");
- a narrative assessment of site-specific geology describing the potential for fluid movement to the Edwards Aquifer and including a discussion of the stratigraphy, structure, and karstic characteristics of the site ("karst" is a honeycomb-like rock structure);
- a narrative description of the types of soil present, including a soil profile that indicates the thickness and hydrologic characteristics of each layer.

To prepare this report, your geologist must use forms TNRCC-0585 and TNRCC-0585-Table. Form TNRCC-0585-Table is to be used to produce the geologic assessment table. This form is available electronically as either a Quattro Pro or Excel file. We have also prepared a set of instructions to assist your geologist in preparing this report. This set of instructions to geologists is available as form TNRCC-0585-Instructions.

3.4.2 Stormwater Control Measures

A sudden summer cloudburst does more than bring the temperature down and clear the air. As the rainfall rushes off the land, it can turn dust into suspended sediments and residues of fertilizers, pesticides, and even motor oil into contaminants in storm gutters, streams, and rivers.

To protect water quality in surface streams and the Edwards Aquifer from this potential source of pollution, you must incorporate temporary and permanent BMPs into your project plans.

3.4.2.1 Temporary BMPs

Temporary stormwater controls are the measures you take and equipment you install to control the levels of silt, sediment, and other contaminants that your project adds to stormwater runoff during construction. Under the Edwards Aquifer rules, the controls at your site must remove at least 80 percent of these added contaminants without altering the flow to naturally occurring sensitive features or surface streams. These controls are also referred to as “temporary BMPs.”

3.4.2.1.1 *Examples of Temporary BMPs*

The following practices are a few examples of the many temporary BMPs you could use at your site:

- preserving existing trees and other mature vegetation in areas that are to be landscaped or left undeveloped;
- protecting exposed soil by covering it with mulch, establishing a temporary groundcover, or covering the soil with “geotextiles” (a protective landscape fabric);
- installing silt fences or preserving tallgrass areas as vegetative buffers to filter runoff;
- diverting runoff from exposed soil;
- holding the runoff on site to allow silt to settle before it enters the aquifer or a surface stream.

Your Edwards Aquifer protection plan or contributing zone plan must address temporary BMPs in these ways:

- Identify the possible sources that could contaminate runoff from your project.
- Tell us the practices and measures you intend to use to reduce this contamination.
- Provide a schedule for the implementation of each of these practices.

3.4.2.1.2 *Installing and Maintaining Temporary BMPs*

As part of this plan, you must install temporary erosion and sedimentation controls before construction begins, maintain these controls during construction, and remove them as soon as the permanent ground cover is established. For more information about specific BMPs and how to use them, see TNRCC publication RG-348, *Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices*.

During construction, you must keep these records and make them available to us on request:

- the dates when significant grading occurs;
- the dates when construction stops temporarily or permanently on a portion of the site;
- the dates when you begin taking measures to stabilize exposed soil.

3.4.2.1.3 *Temporary BMPs and Work Stoppages*

Whenever construction has stopped—temporarily or permanently—for 14 days in any part of your site, you must begin stabilizing any exposed soil in that area. There are two exceptions to this requirement:

- If drought prevents you from meeting this requirement, you do not have to try to stabilize the soil. However, you must begin to stabilize the soil as soon as the weather allows.
- If excavation, grading, or any other earth-disturbing activity will resume in this area within another 7 days—a total of 21 days after construction stopped—you do not have to stabilize the soil in the meantime.

3.4.2.1.4 *Forms Related to Temporary BMPs*

In the recharge zone or the transition zone, use form TNRCC-0602, “Temporary Stormwater Section,” to give us information concerning your construction schedule and your plans for temporary BMPs.

In the contributing zone, you will give us this information through your federal Storm Water Pollution Prevention Plan (SWPPP) filed under the NPDES general permit, through your contributing zone plan application (form TNRCC-10257), or through both.

3.4.2.2 Permanent BMPs

Sediments and other contaminants don't disappear when the construction crews pull out. Even the best site designs will produce some added contaminants in runoff. For this reason, your project plans must account for permanent BMPs to minimize the levels of these contaminants before the runoff enters a stream or sensitive feature.

3.4.2.2.1 Examples of Permanent BMPs

In some cases, these permanent BMPs will involve simple choices—for example, keeping impervious cover to 20 percent of the project total area or less, maintaining mature native vegetation, or collecting rainwater for reuse on site. One or more of these choices could exempt your project from the requirement to install other permanent BMPs. See “Activities Exempt from Installing Permanent BMPs” on page 2-3 for more information about these exemptions and related requirements.

On the other hand, permanent BMPs could also be engineering projects in themselves—retention ponds, flow diverters in streams, designed vegetative buffers, or even combinations of these and other similar measures.

Besides producing cleaner runoff, your permanent BMPs must counteract sources of erosion that your project could produce or aggravate in local streams. For example, these sources of erosion could include an increased tendency toward flash flooding, changes in flow patterns, or an acceleration of stream flows.

3.4.2.2.2 Designing Permanent BMPs

The design plans for these permanent BMPs must be dated and certified with the seal and signature of a Texas-licensed professional engineer. Before construction can be considered complete, these BMPs must be installed and functioning.

3.4.2.2.3 Maintaining Permanent BMPs

After construction is complete, these BMPs must be maintained forever. Your engineer must present you with a maintenance plan specifically tailored to your project's permanent BMPs, and you must file this plan as part of your project plan. We will periodically inspect for compliance with this maintenance plan.

You may transfer the responsibility for maintaining these BMPs to a new owner or another party, but you must notify us if and when you do. To give us this notice, use form

TNRCC-10263, "Change in Responsibility for Maintenance of Permanent Best Management Practices and Measures."

3.4.2.1.4 *Forms Related to Permanent BMPs*

If your site is in the recharge zone, use form TNRCC-0600, "Permanent Stormwater Section," to inform us about your permanent BMP designs and maintenance plans. If your site is in the contributing zone, you will address permanent BMPs in your contributing zone plan (form TNRCC-10257), your federal Storm Water Pollution Prevention Plan (SWPPP) filed under the NPDES general permit, or both.



4. Completing and Submitting Your Application

To assist you in preparing the plans required by these rules and to ensure that our review of your applications is both accurate and efficient, we have prepared a set of standard forms. According to the rules, you must use these forms to complete your applications—with the exception, of course, of certain information for a contributing zone plan that you may choose to provide through your SWPPP.

4.1 Contents of Your Application Package

Your application must also include a number of forms and other required information. The specific contents depend on the type of application. For a list of the TNRCC forms and other supporting materials you must submit in your application package, see Appendix D, “Checklists for Application Packages.” This information is also available as form TNRCC-0588, “Application Checklists.” To find out how to obtain these forms, see Chapter 7, “Obtaining Forms and Contacting Us.”

Regardless of the type of application you are preparing, there are three components you must include: a cover letter, the application fee form, and, in most cases, the agent authorization form.

4.1.1 Your Cover Letter

The first item in your application package must be a cover letter addressed to the executive director of the TNRCC. In this cover letter, request the executive director to review and approve of your application.

Be sure to put this cover letter on top of your application package. Assemble the rest of your application package in the order in which the materials are listed in its checklist.

4.1.2 Determining Your Application Fee

The amount of your application fee will vary depending on the type of activity you have planned, your site’s zone, and even the size of your project. For example, the fee for an SCS application depends on the length of the collection system in feet, and the application fee for a new UST or AST facility plan depends on the number of storage tanks to be installed at the site.

Use the application fee form to determine the total amount of fees you must pay as you submit your application package. If your site is in the contributing zone, use form TNRCC-10258 as your application fee form. If your site is in the recharge or transition zone, use form TNRCC-0574.

4.1.2.1 Where Do I Send My Fee?

You may submit your completed application fee form and a check for the full amount of all required fees with your plan application package or send the completed form and your check to the TNRCC cashier at the address shown on the fee form.

You must attach your check to a completed application fee form to ensure that the fee is credited to the proper project. Your check must be dated no more than 30 days before the date you submit your application.

If your check is not included with your application package, we will check with the TNRCC cashier to make sure that your payment did arrive. We will issue a receipt for payments made at the regional office. For payments sent to the TNRCC cashier, your canceled check is your proof of payment.

We cannot consider your application to be administratively complete until you have paid all required fees.

4.1.2.2 What Do I Get for My Fee?

This one-time fee covers a professional review of your plan and periodic inspections of your site for the life of your plan. Our professional review of your geological assessment and the other components of your plan ensures that your plan is adequate to protect the Edwards Aquifer from contamination. We then carry out periodic inspections to ensure that your plan is implemented correctly and that the aquifer actually is protected by the plan as implemented.

Because your fee covers these administrative costs, you must pay a fee when you submit any one of these types of applications:

- any original application
- any exception request
- a modification request
- an extension request

4.1.3 Authorizing an Agent to Act for You

The Edwards Aquifer rules require that one of these persons sign all applications associated with your development:

- when the applicant is a corporation—the president, vice-president, or another duly authorized representative;
- when the applicant is a partnership—a general partner;
- when the applicant is a city, a public agency, or some other public entity—a principal executive officer or another duly authorized representative;
- when the applicant is an individual or sole proprietorship—that individual or sole proprietor.

If you wish to authorize another person to prepare or submit your application, use form TNRCC-0599, “Agent Authorization Form,” to legally designate that person as your agent. This form does not give your agent “power of attorney.” It merely identifies this person as an agent who is authorized to file these forms on your behalf. This form must be signed by the agent and by one of the persons described above.

4.2 Submitting Your Application

You may submit your completed application to our regional office in person or by mail. We strongly prefer that you submit the application in person. By doing so, you may help expedite the processing of your application.

4.2.1 Submitting Your Application in Person

After you have completed your application or applications, call the TNRCC regional office that serves the county in which your site is located. Ask to set up an appointment with an Edwards Aquifer Protection Program representative. We will meet with you or your authorized agent, as you wish.

In this meeting, we will review your application to determine whether it is complete. If we find that your application is complete, you may submit the fees, and we will accept your application for further review. If we find that your application is incomplete, you will have to take it back, make the necessary revisions, and then resubmit it. Still, you will have saved valuable time by meeting with us first.

We will also use this meeting to discuss your plan with you or your agent. We will notify you of any concerns that we may have. You may also voice your concerns if you have any.

You may also submit your application in person *without* making an appointment, but we cannot guarantee that a staff member will be available to meet with you. If not, we will accept your application and process it as if we received it by mail.

4.2.2 Submitting Your Application by Mail

If you choose to submit your application by mail, address it to “Water Program Manager” at the regional office that serves the county in which your site is located. See “How to Contact Us” on page 7-2 for the correct mailing address.

To ensure each applicant fair treatment and the best possible customer service, we review the applications we receive by mail in the order in which we receive them. If we find out that an application received by mail is not administratively complete, we mail the application back to the applicant or agent. The application will not be considered for review until it is administratively complete.

5. Review of Your Application

Once you have submitted your application, we must review it to ensure that your plan is both complete and technically adequate to protect the Edwards Aquifer from contamination. The time frame for this review depends on the zone or zones in which your site is located.

You can take these two steps to ensure that our review of your application is completed within the stated time frame:

- **Let us know if your plans change.** If you change your project plans before we have reviewed your pending application, be sure to notify our regional office as soon as possible. Provide us with the corresponding revised application materials. If you fail to notify our regional office of these changes, your approval may be delayed. We may even have to deny your plan.
- **Be sure your application is complete and technically adequate.** If we find deficiencies in your application, we must set it aside and ask you to provide the additional information we need. This will delay our review. If you fail to provide the requested information, we must deny your plan.

We are dedicated to working with you to ensure compliance with the state's environmental laws and regulations. We are also committed to reviewing these applications efficiently and thoroughly to ensure that the Edwards Aquifer continues to be protected.

5.1 Reviews for the Contributing Zone

If your site is completely within the contributing zone, we must respond to your completed application within 15 calendar days if we have concerns. During this period, we will review your application for completeness and technical adequacy. If you do not hear from us by the 16th day after we receive your application, you may assume that we approve and begin your construction.

Even if we do not respond to your contributing zone plan application, you still must comply with the rules regarding temporary BMPs before and during construction. And regardless of whether our approval of your plan is explicit or implicit, your temporary and permanent BMPs must protect surface water and the aquifer as called for in the rules.

We may periodically inspect your project during and after construction to be sure that you are complying with your approved plan. During this inspection, we will also determine whether your BMPs are performing as required. If our inspection shows that these BMPs do not meet the requirements of the rules, you will have to upgrade them, replace them with other technologies, or add other BMPs to bring your project into compliance with the rules.

5.2 Reviews for the Recharge or Transition Zone

Applications for activities in the recharge and transition zones will receive two separate reviews. The first review ensures that your application is complete. The second review focuses on the technical aspects of your application and determines whether your plan will properly protect surface water and the aquifer as you carry out the intended activity.

5.2.1 Administrative Review

Once our regional office receives your application, we must review it within 30 days to tell you whether it is administratively complete. Remember, we cannot consider your application to be administratively complete until you have paid all required fees. Be sure to include your fees as part of your complete application.

If you submit your application in person during a scheduled meeting with our staff, we will complete this administrative review as part of the meeting. If your application is complete, you will have saved up to 30 days!

5.2.2 Technical Review

Under these rules, we must complete a technical review of your application within 90 days of when we determine that it is administratively complete. In this review, we will seek comments from other parties affected by your application, inspect your site, and consider the technical adequacy of your plans. During this process, we will inform you or your agent—in writing—of any technical deficiencies we find.

5.2.2.1 Seeking Comment on Your Plans

During this technical review, we will provide a copy of your application to any affected incorporated city, groundwater conservation district, or county whose jurisdiction includes your site. These entities then have 30 days to provide comments on the application to our regional office. We will consider these comments and, when appropriate, act upon them.

5.2.2.2 Inspecting Your Site

Early in this review process, an investigator from our regional office will conduct a detailed initial inspection of your site. If this inspection reveals a sensitive feature that was not included in your site's geologic assessment, the investigator will determine

whether that feature must be protected before, during, and after construction. The investigator will also locate and evaluate any wells or other man-made features on the site.

5.2.2.3 Considering Your Plans

Before and after we inspect your site, we will consider whether your plans offer adequate protection of water quality in the Edwards Aquifer and the streams that supply it. If we find any shortcomings in your plan, we may require changes to your application or add special conditions to the approval letter for your plan.

Once we find your application to be technically complete and adequate, we will send you an approval letter signed by the executive director.

5.3 Reviews for the “Contributing Zone Within the Transition Zone”

If your planned facility is in the “contributing zone within the transition zone,” you may have two different types of applications that you must submit, each with its own timetable for review—your contributing zone plan (form TNRCC-10257), and a UST facility plan (form TNRCC-0583) or AST facility plan (form TNRCC-0575) if you plan to install, rehabilitate, or replace one or more USTs or ASTs.

In this case, we may review each application separately. If we do not respond to your contributing zone plan application within 15 days, you may begin any activities that are covered by this plan if they are not directly related to the storage tank facility. However, you must not begin any construction that is related to your storage tank facility before you have received our approval of your AST facility plan.

6. After Your Plan Is Approved

Once we have approved your plan, you assume responsibility for putting it into action to protect water quality. In most cases, you must begin by recording in the county deeds that your site is subject to the terms of an approved water quality protection plan. You must also inform us of the progress of construction and meet other responsibilities as construction continues—and after it is complete.

We will conduct periodic inspections of sites in the areas covered by these rules to ensure compliance with these rules and the terms and conditions of each site's approved plan. If we find that your project fails to protect the Edwards Aquifer from contamination, we will require you to make the necessary changes. These changes may include the replacement of structures that are not working as intended.

6.1 Deed Recordation

Within 30 days of when you receive our written approval of your plan, a modification to your plans, or an exception to these rules, you must record in the deed records of the county in which your site is located that the property is subject to an approved Edwards Aquifer protection plan or, for the contributing zone, a contributing zone plan. This record must include a description of the property boundaries for the site covered by your approved plan.

Within 60 days of receiving written approval of an Edwards Aquifer protection plan, you must furnish your local regional office with proof that the plan was recorded in the county deed records. This proof must include the volume and page numbers of the county record.

This requirement does not apply to the installation of an organized sewage collection system or the construction of a public street or highway.

6.2 Updating Construction Progress

As part of complying with these rules, you must inform us of these significant developments in your project:

- the beginning of construction
- the discovery of a previously unknown sensitive feature
- your geologist's certification of inspection for the excavation of lift stations or UST tankholds

- changes in your construction plans
- the completion of your construction

6.2.1 Tell Us When Construction Begins

No later than 48 hours before you begin the regulated activity, you must notify our regional office in writing of your intent to commence construction, replacement, or rehabilitation. This written notice must include the following information:

- the date on which the regulated activity will begin
- the name of the approved plan for the regulated activity
- the name of the prime contractor
- the name and telephone number of a contact person

We will use this written notice to determine whether you may receive an extension of your approved plan.

If you begin construction without sending us this notice, you are in violation of the rules, although you are working under an approved plan. If we do not receive this notice within the two-year term of approval, we will consider any work done after the end of this term to have been done without an approved plan.

6.2.2 Notify Us If You Discover a Sensitive Feature

If you or your workers discover a sensitive feature during any phase of construction, you must immediately stop all regulated activities near the feature. A “sensitive feature” is any crack, fissure, cave, sinkhole, opening, or other natural or man-made feature that might allow water either to flow from the surface directly into the Edwards Aquifer or to penetrate below ground rapidly. Geologists call these features “solution features.”

To report the discovery of a sensitive feature, use form TNRCC-10256, “Solution Feature Discovery Form.” There is no fee associated with this form. You or your agent must immediately submit this form to notify our regional office of your discovery of the feature. You may not resume regulated activities near the feature until we have reviewed and approved the methods proposed to protect the feature and the aquifer.

This requirement does not pertain to activities in the contributing zone.

6.2.3 Tell Us When Your Geologist Certifies Excavations

The Edwards Aquifer rules require you to have a geologist inspect the completed excavation for a lift station or a UST tankhold to determine whether sensitive features are present. If the geologist finds a sensitive feature, you must notify us and stop work in that area. Work may resume only after we have reviewed and approved of your proposal for protecting the feature and the Edwards Aquifer from potential contamination.

If the geologist finds no sensitive features, work may continue. You must send our regional office the geologist's certification that no sensitive features were present.

6.2.4 Inform Us of Any Modifications You Plan to Make

During construction, you may decide to change your plans. You may even encounter conditions that force you to modify your approved plan. In either of these cases, you must notify us of these intended modifications to your plan. Before you can proceed with these modifications, you must receive our approval.

To modify your approved plan, you or your authorized agent must complete a modification request form and submit it to our regional office. For plans in the contributing zone or "contributing zone within the transition zone," use form TNRCC-10259 to make this request. In the recharge zone or transition zone, use form TNRCC-0590.

A modification request form is a type of application. As an application, this request is subject to review as described in Chapter 5. You must pay a fee when you file this request. See Appendix D, "Checklists for Application Packages," for a list of the forms and other materials you must include with your modification request.

You would use a modification request under these and similar circumstances:

- to deviate from your approved plans in the physical design of a pond, dam, berm, sewage treatment plant, flow diverter, or any other structure designed to reduce water pollution;
- to change the way you intend to operate any of these structures;
- to change the type of regulated activity from that which was originally approved;
- to make a change that would significantly affect the ability of the plan to prevent pollution of the Edwards Aquifer;
- to develop land that was to be left undeveloped under your original water pollution abatement plan;

- to make a physical modification to an approved organized sewage collection system, UST facility, or AST facility.

You must submit a modification request to widen or add shoulders to an existing or approved road if the change adds paved surface equal to at least half the width of one existing lane. You must also submit this form to reconstruct an existing regulated road. You **do not** have to submit a modification request to resurface an existing road, parking lot, or other hard surface.

6.2.5 Tell Us When Construction Is Complete

When you complete the construction or other regulated activities covered by your approved plan, send a written notice to our regional office to tell us that your project is complete.

In this notice, tell us the date on which your project was completed and certify that you complied with your approved plan and the Edwards Aquifer rules.

6.3 Requesting an Extension

Our approval of your plan has a definite lifetime. There are two significant milestones you must monitor in this lifetime.

The first milestone arrives two years from the date we write your plan approval letter. If you have not begun more than 10 percent of the total construction before that time, your approved plan will expire unless you apply for an extension as described below. If you have begun more than 10 percent of the total construction within two years, your approved plan will remain current and in effect at that time.

The second milestone arrives 10 years from the date we write your plan approval letter. If you have not completed at least 50 percent of the total construction by that time, your approved plan will expire. The rules do not allow us to grant an extension under these circumstances.

When your approved plan expires, you must submit an application for a new plan under the rules that are current at that time. You must not continue any regulated construction until we have approved your new plan.

If your planned construction will not be more than 10 percent complete before the term of approval expires, you may request an extension of your plan. Use form TNRCC-10260 to request an extension for a project in the recharge zone or transition zone. Use form TNRCC-10261 to request an extension for a project in the contributing zone. You must submit your request for an extension to our regional office **no earlier than** 60 days before the term of approval expires. Be sure we receive this notice **before** the expiration date.

You must pay a fee when you submit your extension request. See Appendix D, "Checklists for Application Packages," for a complete list of the forms and other materials to include with your extension request. Your request is subject to our review.

Use the same procedure to extend the term of approval of a project that is in progress but less than 10 percent complete.

After you have filed this request, your approved plan will continue in effect until we make a determination. If we approve your request, your term of approval will be extended for another six months.

You may follow this procedure repeatedly to extend the term of approval another six months.

We cannot grant an extension if the proposed regulated activity or approved plan for the project has changed.

6.4 Custody of Permanent BMPs

The correct installation and continuing care of the permanent BMPs are significant aspects of your water pollution abatement plan. We will inspect these BMPs periodically to ensure that you are maintaining them properly and that they are functioning as intended. If our inspection shows that your permanent BMPs are not functioning as intended, we will require you to upgrade or replace them.

6.4.1 Initial Inspection

After your permanent BMPs are complete, a Texas-licensed professional engineer must certify in writing that the permanent BMPs were built as designed. You must submit this certification letter to your local regional office within 30 days after the installation of these BMPs is complete.

6.4.2 Inspection and Maintenance Plan and Schedule for Structural BMPs

The engineer who designed the permanent BMPs for your project must develop a plan and schedule for the inspection, maintenance, repair, and, if necessary, retrofitting of these BMPs. You must sign and date this maintenance plan and schedule and submit a copy of it to our regional office. We will periodically inspect your facility or development to ensure that this maintenance plan is being implemented.

6.4.3 Change in Responsibility for Maintenance of Permanent BMPs

You will be held responsible for inspecting and maintaining your project's permanent BMPs until this obligation is either assumed in writing by someone else who controls the property—for example, a property owner's association, a lessee, a special district, or a municipality—or until you sell or otherwise transfer the property to another owner. The new owner, lessee, or other entity will then be responsible for maintenance plan until they transfer it to another party one of these two ways.

Whenever you transfer this responsibility, you must inform our regional office within 30 days. To inform us of these transfers, use form TNRCC-10263, "Change in Responsibility for Maintenance on Permanent Best Management Practices and Measures." At the same time, the new owner or other responsible party must submit a signed, dated copy of the maintenance plan to our regional office. Subsequent owners or other responsible parties must also follow this procedure when they transfer this responsibility to anyone else.

This requirement does not apply to individual homeowners.

6.5 Testing of Sewer Systems

Organized sewage collection systems that are installed on the recharge zone must be inspected when they are installed and again once every five years under these and other applicable rules. In the remainder of this chapter, we will refer to these systems as simply "sewer systems."

6.5.1 Initial Certification of New Lines

All new gravity sewer system lines that are at least 6 inches in diameter and all new force mains must be tested to ensure that the sewer system is installed properly and is not leaking. As owner of the sewer system, you are responsible for having these tests done.

These tests may be done on individual sections of the system, but each section of pipe between two manholes must have been properly backfilled for at least 30 days before that section is tested.

All sewer system lines must be tested by a Texas-licensed professional engineer to confirm that they meet the design criteria found in 30 TAC Section 317.2. The engineer must keep copies of the test results and make them available to us on request.

Within 30 days of when these tests are complete—and **before** the new sewer system is put into service—the engineer must submit a letter to our regional office to certify that all the lines have passed all the tests required. This certification letter must include the following information:

- the name of the project as shown on the SCS approval letter;
- the new name of the project, if it has changed;
- a site plan of the approved project that shows that the lines have been certified and indicates which lines—if any—initially failed the testing and were retested.

6.5.2 Five-Year Testing of Existing Lines

Once every five years, you must ensure that every line in your sewer system that is at least 6 inches in diameter is tested to find out whether it has any offsets, open joints, cracks, crushed lines, or other damage and defects that would allow sewage to leak. You must include private service laterals, manholes, and connections in these tests. You must also test existing manholes and lift station wet wells with methods that we have approved for testing new structures. These test results must be certified by a Texas-licensed professional engineer.

These are acceptable methods for conducting these tests:

- In-place deflection testing as described in rules that are applicable statewide [30 TAC Section 317.2(a)(4)(C)]. No pipe may exceed a deflection rate of 5.0 percent.
- Internal line inspections, using a color video camera to verify that the lines are free of these types of structural damage. You may conduct this test with a black-and-white camera if you can prove to us that this method produces acceptable results.
- For the testing of private service laterals only, in-line smoke testing.

You may also use other test methods if you get our approval before you test the sewer lines.

If these tests reveal one or more leaks, you must immediately take measures to contain the leakage and prevent the discharge of sewage into the Edwards Aquifer or any surface water. As soon as possible, you must complete the necessary repairs. Within 45 days of when the repairs are done, you must again test the lines by one of the methods mentioned above. You must submit the results of the tests of your repairs to our regional office within 30 days of when the tests are completed.

You must keep all test results for five years—even if you find no leaks—and make them available to us on request.

7. Obtaining Forms and Contacting Us

We can supply you with the forms you need to comply with these rules. And you can contact us at any time if you have questions about the Edwards Aquifer Program and how it affects you.

7.1 How to Get Forms

To make it easy for you to obtain and work with the Edwards Aquifer Protection Program application forms, we make them available in electronic form as well as in hard copy. Most of these electronic files are available in WordPerfect 6/7/8 for PC-compatible computers; one table used as part of the geologic assessment is available in Quattro Pro and Microsoft Excel instead.

You can obtain electronic files of these forms in any one of these ways:

- Download the files from the Edwards Aquifer Protection Program Web page, <http://www.tnrcc.state.tx.us/EAPP/>.
- Mail a formatted 1.4 mb computer disk and a stamped, self-addressed mailer to our Austin or San Antonio regional office. In a cover letter, ask for the Edwards Aquifer application forms. We will load the files onto your disk and mail it back to you.
- Bring a formatted disk to our Austin or San Antonio regional office during our regular business hours. We will load the files onto your disk while you wait and return it to you.

Although we prefer that you use the electronic files to generate these forms, you may also obtain paper copies, if you wish, in any one of these ways:

- Come by our Austin or San Antonio regional office during regular business hours. See below for the locations of these regional offices.
- Come by our Publications Unit in north Austin. Our Publications Unit is located inside the library in Building A of the TNRCC central office complex, 12100 Park 35 Circle, west of Interstate 35 just south of Yager Lane.
- Order paper copies from our Publications Unit by fax (512/239-4488), by e-mail (PUBORDER@tnrcc.state.tx.us), or by phone (512/239-0028). Be sure to request the "Edwards Aquifer Protection Program application package."

7.2 How to Contact Us

If you have questions related to the Edwards Aquifer Protection Program, feel free to call our program staff at the regional office that administers these rules for the county in which your site is located. Address applications and other correspondence to “Water Program Manager” at the appropriate regional office.

***For Bexar, Comal, Kinney,
Medina, or Uvalde County:***

TNRCC San Antonio Regional Office
140 Heimer Road, Suite 360
San Antonio TX 78232-5042

Phone: 210/490-3096
Fax: 210/545-4329

***For Hays, Travis,
or Williamson County:***

TNRCC Austin Regional Office
1921 Cedar Bend, Suite 150
Austin TX 78758-5336

Phone: 512/339-2929
Fax: 512/339-3795

You can also obtain the latest information about the Edwards Aquifer Protection Program through the EAPP Web page at this URL:

<http://www.tnrcc.state.tx.us/EAPP/>

Appendix A:

Contributing Zone Boundaries

This is a general description of the portions of the Edwards Aquifer contributing zone regulated by these rules. This is **not** a legal definition of this zone. Before you begin construction or any other activity regulated by these rules, be sure to consult an official map to determine whether your site is in this zone. You may also need to study local drainage to determine the location of your site.

- In northeast Kinney County, a portion that stretches from about 5 miles north of Brackettville to the Edwards and Uvalde county lines. Bounded to the south by the recharge zone, this portion lies mainly east of FM 674 and drains into the Nueces River system. Land that drains into the Nueces River system and is west of FM 674 is also in the contributing zone.
- In northern Uvalde and Medina Counties, all of the portion between the northern county line and the northern limit of the recharge zone.
- In northwestern Bexar County, a portion that is generally well outside of Loop 1604, bounded by the county line to the north and west, and bounded by the recharge zone along Balcones Creek, along Cibolo Creek, to the south, and to the east.
- Also in northern Bexar County, a portion stretching across Interstate 10 mainly south of Loop 1604. This area is also in the transition zone.
- All of western Comal County, bounded by the county line along the northwest and northeast and by the recharge zone along Cibolo Creek and to the east;
- Most of western Hays County. The portion of Hays County that drains into the Pedernales River is not in the contributing zone. The northwest limit of the contributing zone in Hays County begins at the western county line near U.S. 290 and ends at the county line about 4 miles north of Fitzhugh.
- In south central Travis County, a portion that includes mainly the Barton Creek and Bee Creek watersheds.
- In northwest Travis County, sporadic portions along the Williamson County line.
- Nearly all of western Williamson County. West of the recharge zone, only scattered portions of Williamson County along the Travis County line and the portion that drains into the Lampasas River above Stillhouse Hollow Reservoir are not in the contributing zone. In western Williamson County, Cedar Park, Leander, Seward Junction, Andice, and Florence are in the contributing zone.

Appendix B:

Recharge Zone Boundaries

This is a general description of the Edwards Aquifer recharge zone as regulated by these rules. This is **not** a legal definition of this zone. Before you begin construction or any other activity regulated by these rules, be sure to consult an official map to determine whether your site is in this zone.

The official map shows the recharge zone to extend in a boomerang-shaped belt that stays well north of U.S. Highway 90 from the middle of eastern Kinney County across Uvalde County and Medina County to northwestern Bexar County. In Bexar County, the recharge zone turns north, straddling the northern leg of Loop 1604. It then extends through parts of eastern Comal and Hays Counties into southern Travis County, staying west of Interstate 35. The recharge zone picks up again in northern Travis County and extends through parts of western Williamson County, straddling Interstate 35 for much of this stretch.

This belt is quite irregular. In some places, it is more than 20 miles wide; in others, barely half a mile wide. The recharge zone can roughly be characterized as follows:

- In Kinney County, this belt begins about 6 miles northeast of Brackettville on FM 334 and extends north and east to the West Nueces River and the Uvalde County line.
- In Uvalde County, this belt includes at least part of Concan and has its southern limit at or near these points:
 - the West Nueces River at the Kinney County line
 - the confluence of the West Nueces River and the Nueces River
 - Texas 55 about 6 miles northwest of Uvalde
 - U.S. 83 about 8 miles north of Uvalde
 - the Dry Frio River about 5 miles upstream of U.S. 90
 - the Frio River about 5 miles upstream of U.S. 90
 - Texas 127 about 12 miles northwest of Sabinal
 - FM 187 about 10 miles north of Sabinal
- In Medina County, this belt reaches quite close to Lake Medina on the north, includes Diversion Lake and all of the land around it, and has its southern limit at or near these points:
 - about 13 miles north of U.S. 90 at the Uvalde County line
 - Texas 173 about 7 miles north of U.S. 90
 - the Medina River just south of Diversion Lake
- In Bexar County, this belt continues across much of the northern leg of Loop 1604, and at the county line extends all the way to the west along Cibolo Creek and part of Balcones Creek. Both sides of this band are quite irregular in Bexar County.

- In Comal and Hays Counties, the southeastern edge of this belt is usually a mile or two west of Interstate 35. The far western portions of New Braunfels and San Marcos are in the recharge zone. The northwestern edge of this belt meanders through the centers of these two counties, crossing these points:
 - Texas 46 about ten miles west of New Braunfels
 - the Guadalupe River about halfway between New Braunfels and Canyon Dam
 - FM 32 near the Hays-Comal county line
 - FM 12 just south of Wimberley
 - the Blanco River just east of Wimberley
 - FM 967 about a mile or two east of its intersection with FM 1826
- The southeastern edge of this belt enters southern Travis County about three miles west of Interstate 35 and goes north to the Colorado River near its confluence with Barton Creek. The northwestern edge enters southern Travis County about two miles southeast of U.S. 290, crosses U.S. 290 just east of Oak Hill, and goes north to the Colorado River near Tom Miller Dam. This belt ends at the Colorado River.
- In northern Travis County, the official map shows the recharge zone to begin again near the intersection of Loop 1 and U.S. 183. The western edge follows the center of Jollyville Road to the Williamson County line. The eastern edge of the recharge zone runs just west of Loop 1 to just north of Parmer Lane, and then remains east of Loop 1 and FM 1325 as it extends north to the Williamson County line.
- In Williamson County, the eastern edge of the recharge zone extends north from FM 1325, crosses Interstate 35 just south of McNeil Road, and meanders to the north. This edge crosses U.S. 79 about a mile east of Interstate 35 (just west of the Round Rock police station), FM 1460 about two or three miles south of Georgetown, and Texas 29 about two miles east of Interstate 35 (just east of Southwestern University). It then crosses the interstate again about seven miles north of Georgetown and stays just west of the interstate to the Bell County line. The western edge is quite erratic in Williamson County, swinging far to the east along streambeds and far to the west between streams. For example, the western edge crosses the South San Gabriel River near Interstate 35, less than a mile south of Texas 29, but crosses Texas 29 about a mile east of U.S. 183—ten miles or more farther to the west! If you own land between U.S. 183 and Interstate 35 in Williamson County, you must check an official map to find out whether your property is designated to be in the recharge zone or the contributing zone.

Appendix C:

Transition Zone Boundaries

This is a general description of the Edwards Aquifer transition zone as regulated by these rules. This is **not** a legal definition of this zone. Before you begin construction or any other activity regulated by these rules, be sure to consult an official map to determine whether your site is in this zone.

The official map shows the transition zone to stretch along the southern and eastern edges of the recharge zone from northeastern Medina County through Bexar, Comal, Hays, Travis, and Williamson Counties to a point on the San Gabriel River near Weir. The transition zone does not appear in Kinney or Uvalde County.

The width of this zone varies from less than half a mile to about five miles. This zone includes portions of San Antonio outside of Interstate Loop 410 and much of the cities of New Braunfels, San Marcos, and Buda. Its eastern edge is no more than a mile or so west of Interstate 35 from Cibolo Creek to the Colorado River and often comes quite close to the highway, especially near Kyle. In far north Austin, the eastern edge of the transition zone follows North Lamar and then Interstate 35. After crossing east of the interstate, the eastern boundary zigzags north, in part along FM 1460 from U.S. 79 to several miles south of Georgetown, and ends where it joins the eastern edge of the recharge zone, near the confluence of Berry Creek and the San Gabriel River east of Georgetown.

In Bexar County, a portion of the transition zone near the intersection of Loop 1604 and Interstate 10 is also designated as contributing zone. Developments in this area must comply with the rules for the contributing zone as well as the rules for the transition zone.

Appendix D:

Checklists for Application Packages

The checklists in this appendix show you which TNRCC forms and other materials to include in the application package for each type of application you could possibly file with the Edwards Aquifer Protection Program.

To assemble your package, follow these steps:

1. Using the list below, find the checklist for the type of application you intend to submit.
2. Go to that checklist, and make sure you have each part of your package, including all required attachments.
3. Label each attachment as indicated on the corresponding checklist—for example, “Attachment A: Road map.”
4. Assemble your package in the order indicated on the checklist.

By following these steps, you will help us review your application more efficiently.

Checklists for Edwards Aquifer Protection Plans (Recharge or Transition Zone)

Water Pollution Abatement Plan	D-2
Organized Sewage Collection System Plan	D-3
Underground Storage Tank Facility Plan	D-4
Aboveground Storage Tank Facility Plan	D-5
Modification of an Approved Plan	D-6
Exception Request	D-7
Extension Request	D-8

Checklists for Contributing Zone Plans

Contributing Zone Plan	D-9
Modification of an Approved Contributing Zone Plan	D-10
Contributing Zone Exception Request	D-11
Contributing Zone Extension Request	D-12

Checklist for Water Pollution Abatement Plan Applications

- **1. General Information Form (TNRCC-0587)**
Attachments: A. Road map
B. Officially marked USGS quadrangle map showing site designation
C. Project Description

- **2. Geologic Assessment Form (TNRCC-0585)**
Attachments: A. Geologic Assessment Table (TNRCC-0585-Table)
Comments to the Geologic Assessment Table
B. Soil Profile and Narrative of Soil Units
C. Stratigraphic Column
D. Narrative of Site-Specific Geology
Site geologic map(s)
Table or list for position of features' latitude and longitude (if mapped using GPS)

- **3. Water Pollution Abatement Plan Application Form (TNRCC-0584)**
Attachments: A. Factors Affecting Water Quality
B. Volume and Character of Storm Water
C. Suitability letter from authorized agent (if OSSF is proposed)
D. Exception to the Required Geologic Assessment (if requesting an exception)
Site Plan

- **4. Temporary Stormwater Section (TNRCC-0602)**
Attachments: A. Spill Response Actions
B. Potential Sources of Contamination
C. Sequence of Major Activities
D. Temporary BMPs and Measures
E. Request to Temporarily Seal a Feature (if sealing a feature)
F. Structural Practices
G. Drainage area map
H. Temporary Sediment Pond(s) Plans and Calculations
I. Inspection and Maintenance for BMPs
J. Schedule of Interim and Permanent Soil Stabilization Practices

- **5. Permanent Stormwater Section (TNRCC-0600)**
Attachments: A. 20% or Less Impervious Cover Waiver (only if project is multifamily residential, school, or small business *and* 20% or less impervious cover is proposed for the site)
B. BMPs for Upgradient Storm Water
C. BMPs for On-Site Storm Water
D. BMPs for Surface Streams
E. Request to Seal Features (if sealing a feature)
F. Construction Plans
G. Inspection, Maintenance, Repair, and Retrofit Plan
H. Pilot-Scale Field Testing Plan, if BMPs not based on *Complying with the Edwards Aquifer Rules: Technical Guidance for BMPs* (TNRCC publication RG-348)
I. Measures for Minimizing Surface Stream Contamination

- **6. Agent Authorization Form (TNRCC-0599), if application submitted by agent**

- **7. Application Fee Form (TNRCC-0574)**

- **8. Check payable to "Texas Natural Resource Conservation Commission"**

Checklist for Organized SCS Plan Applications

- **1. General Information Form (TNRCC-0587)**
Attachments: A. Road map
B. Officially marked USGS quadrangle map showing site designation
C. Project Description

- **2. Geologic Assessment Form (TNRCC-0585)**
Attachments: A. Geologic Assessment Table (TNRCC-0585-Table)
Comments to the Geologic Assessment Table
B. Soil Profile and Narrative of Soil Units
C. Stratigraphic Column
D. Narrative of Site-Specific Geology
Site geologic map(s)
Table or list for position of features' latitude and longitude (if mapped using GPS)

- **3. Organized Sewage Collection System Plan (TNRCC-0582)**
Attachments: A. Sewage Collection System Plan Application (TNRCC-10243)
B. Calculations for Minimum Radius of Curvature
C. Justification for Deviation in Grade without Manholes
D. Justification for Deviation in Straight Alignment without Manholes
E. Request for Variance from Design Criteria
F. Explanation of Slopes for Flows Less than 2.0 Feet per Second
G. Explanation of Slopes for Flows Greater than 10.0 Feet per Second
H. Other Protection Methods against Erosion or Shock
Site Plan
Final Plan and Profile Sheets

- **4. Lift Station/Force Main System Application (TNRCC-0624), if applicable**
Attachment A. Engineering Design Report
Site Plan
Final Plan and Profile Sheets

- **5. Temporary Stormwater Section (TNRCC-0602)**
Attachments: A. Spill Response Actions
B. Potential Sources of Contamination
C. Sequence of Major Activities
D. Temporary BMPs and Measures
E. Request to Temporarily Seal a Feature (if sealing a feature)
F. Structural Practices
G. Drainage area map
H. Temporary Sediment Pond(s) Plans and Calculations
I. Inspection and Maintenance for BMPs
J. Schedule of Interim and Permanent Soil Stabilization Practices

- **6. Agent Authorization Form (TNRCC-0599), if application submitted by agent**

- **7. Application Fee Form (TNRCC-0574)**

- **8. Check payable to "Texas Natural Resource Conservation Commission"**

Checklist for UST Facility Plan Applications

- **1. General Information Form (TNRCC-0587)**
Attachments: A. Road map
B. Officially marked USGS map showing site designation
C. Project Description

- **2. Geologic Assessment Form (TNRCC-0585)**
Attachments: A. Geologic Assessment Table (TNRCC-0585-Table)
Comments to the Geologic Assessment Table
B. Soil Profile and Narrative of Soil Units
C. Stratigraphic Column
D. Narrative of Site-Specific Geology
Site geologic map(s)
Table or list for position of features' latitude and longitude (if mapped using GPS)

- **3. UST Facility Plan (TNRCC-0583)**
Attachments: A. Alternative Design and Protection Method for Tanks (if proposing)
B. Alternative Design and Protection Method for Piping (if proposing)
C. Detailed Narrative of UST Facility
D. Tertiary Containment Method
E. Exception to the Geologic Assessment (if requesting an exception)
F. Profile Drawings
G. Initial and Continuing Training
H. Release Detection Maintenance

Site Plan

- **4. Temporary Stormwater Section (TNRCC-0602)**
Attachments: A. Spill Response Actions
B. Potential Sources of Contamination
C. Sequence of Major Activities
D. Temporary BMPs and Measures
E. Request to Temporarily Seal a Feature (if sealing a feature)
F. Structural Practices
G. Drainage area map
H. Temporary Sediment Pond(s) Plans and Calculations
I. Inspection and Maintenance for BMPs
J. Schedule of Interim and Permanent Soil Stabilization Practices

- **5. Agent Authorization Form (if application submitted by agent)**

- **6. Application Fee Form (TNRCC-0574)**

- **7. Check payable to "Texas Natural Resource Conservation Commission"**

Checklist for AST Facility Plan Applications

- **1. General Information Form (TNRCC-0587)**
Attachments: A. Road map
B. Officially marked USGS quadrangle map showing site designation
C. Project Description

- **2. Geologic Assessment Form (TNRCC-0585)**
Attachments: A. Geologic Assessment Table (TNRCC-0585-Table)
Comments to the Geologic Assessment Table
B. Soil Profile and Narrative of Soil Units
C. Stratigraphic Column
D. Narrative of Site-Specific Geology
Site geologic map(s)
Table or list for position of features' latitude and longitude (if mapped using GPS)

- **3. AST Facility Plan (TNRCC-0575)**
Attachments: A. Alternative Methods of Secondary Containment
B. Scaled Drawing(s) of Containment Structure
C. Exception to the Geologic Assessment (if requesting an exception)
D. Spill and Overfill Control
E. Response Actions to Spills

Site Plan

- **4. Temporary Stormwater Section (TNRCC-0602)**
Attachments: A. Spill Response Actions
B. Potential Sources of Contamination
C. Sequence of Major Activities
D. Temporary Best Management Practices and Measures
E. Request to Temporarily Seal a Feature (if sealing a feature)
F. Structural Practices
G. Drainage area map
H. Temporary Sediment Pond(s) Plans and Calculations
I. Inspection and Maintenance for BMPs
J. Schedule of Interim and Permanent Soil Stabilization Practices

- **5. Agent Authorization Form (TNRCC-0599), if application submitted by agent**

- **6. Application Fee Form (TNRCC-0574)**

- **7. Check payable to "Texas Natural Resource Conservation Commission"**

Modification of a Previously Approved Plan Checklist

- **1. General Information Form (TNRCC-0587)**
Attachments: A. Road map
B. Officially marked USGS quadrangle map showing site designation
C. Project Description

- **2. Geologic Assessment Form (TNRCC-0585)**
Attachments: A. Geologic Assessment Table (TNRCC-0585-Table)
Comments to the Geologic Assessment Table
B. Soil Profile and Narrative of Soil Units
C. Stratigraphic Column
D. Narrative of Site-Specific Geology
Site geologic map(s)
Table or list for position of features' latitude and longitude (if mapped using GPS)

- **3. Modification of a Previously Approved Plan (TNRCC-0590)**
Attachments: A. Original Approval Letter
B. Narrative of Proposed Modification
C. Site Plan

- **4. Temporary Stormwater Section (TNRCC-0602), if necessary**
Attachments: A. Spill Response Actions
B. Potential Sources of Contamination
C. Sequence of Major Activities
D. Temporary Best Management Practices and Measures
E. Request to Temporarily Seal a Feature (if sealing a feature)
F. Structural Practices
G. Drainage area map
H. Temporary Sediment Pond(s) Plans and Calculations
I. Inspection and Maintenance for BMPs
J. Schedule of Interim and Permanent Soil Stabilization Practices

- **5. Permanent Stormwater Section (TNRCC-0600), if necessary**
Attachments: A. 20% or Less Impervious Cover Waiver (only if project is multifamily residential, school, or small business *and* 20% or less impervious cover is proposed for the site)
B. BMPs for Upgradient Storm Water
C. BMPs for On-Site Storm Water
D. BMPs for Surface Streams
E. Request to Seal Features (if sealing a feature)
F. Construction Plans
G. Inspection, Maintenance, Repair, and Retrofit Plan
H. Pilot-Scale Field Testing Plan, if BMPs not based on *Complying with the Edwards Aquifer Rules: Technical Guidance for BMPs* (TNRCC publication RG-348)
I. Measures for Minimizing Surface Stream Contamination

- **6. Agent Authorization Form (TNRCC-0599), if application submitted by agent**

- **7. Application Fee Form (TNRCC-0574)**

- **8. Check payable to "Texas Natural Resource Conservation Commission"**

Checklist for Recharge and Transition Zone Exception Requests

- **1. General Information Form (TNRCC-0587)**
Attachments: A. Road map
B. Officially marked USGS quadrangle map showing site designation
C. Project Description

- **2. Geologic Assessment Form (TNRCC-0585), if necessary**
Attachments: A. Geologic Assessment Table (TNRCC-0585-Table)
Comments to the Geologic Assessment Table
B. Soil Profile and Narrative of Soil Units
C. Stratigraphic Column
D. Narrative of Site-Specific Geology
Site geologic map(s)
Table or list for position of features' latitude and longitude (if mapped using GPS)

- **3. Recharge and Transition Zone Exception Request Form (TNRCC-0628)**
Attachments: A. Nature of Exception
B. Documentation of Equivalent Water Quality Protection

- **4. Temporary Stormwater Section (TNRCC-0602), if necessary**
Attachments: A. Spill Response Actions
B. Potential Sources of Contamination
C. Sequence of Major Activities
D. Temporary Best Management Practices and Measures
E. Request to Temporarily Seal a Feature (if sealing a feature)
F. Structural Practices
G. Drainage Area Map
H. Temporary Sediment Pond(s) Plans and Calculations
I. Inspection and Maintenance for BMPs
J. Schedule of Interim and Permanent Soil Stabilization Practices

- **5. Permanent Stormwater Section (TNRCC-0600), if necessary**
Attachments: A. 20% or Less Impervious Cover Waiver (only if project is multifamily residential, school, or small business *and* 20% or less impervious cover is proposed for the site)
B. BMPs for Upgradient Stormwater
C. BMPs for On-Site Stormwater
D. BMPs for Surface Streams
E. Request to Seal Features (if sealing a feature)
F. Construction Plans
G. Inspection, Maintenance, Repair, and Retrofit Plan
H. Pilot-Scale Field Testing Plan, if BMPs not based on *Complying with the Edwards Aquifer Rules: Technical Guidance for BMPs* (TNRCC publication RG-348)
I. Measures for Minimizing Surface Stream Contamination

- **6. Agent Authorization Form (TNRCC-0599), if application submitted by agent**

- **7. Application Fee Form (TNRCC-0574)**

- **8. Check payable to "Texas Natural Resource Conservation Commission"**

Checklist for Extension Requests for Edwards Aquifer Protection Plans

- 1. Extension Request for an Edwards Aquifer Protection Plan (TNRCC-10261)**
Attachment A. Approval Letter or Extension Approval
- 2. Agent Authorization Form (TNRCC-0599), if application submitted by agent**
- 3. Application Fee Form (TNRCC-0574)**
- 4. Check payable to "Texas Natural Resource Conservation Commission"**

Checklist for Contributing Zone Plan Applications

- **1. Contributing Zone Plan Application (TNRCC-10257)**
 - Attachments:*
 - A. Road map
 - B. USGS quadrangle map
 - C. Project Narrative
 - D. Factors Affecting Surface Water Quality
 - E. Volume and Character of Storm Water
 - F. Suitability letter from authorized agent (if OSSF is proposed)
 - G. Alternative Secondary Containment Methods (if AST with alternative method of secondary containment is proposed)
 - H. AST containment structure drawings (if AST is proposed)
 - I. 20% or Less Impervious Cover Waiver (if project is multifamily residential, school, or small business *and* 20% or less impervious cover is proposed for the site)
 - J. BMPs for Upgradient Stormwater
 - K. BMPs for On-site Stormwater
 - L. BMPs for Surface Streams
 - M. Construction Plans
 - N. Inspection, Maintenance, Repair, and Retrofit Plan
 - O. Pilot-Scale Field Testing Plan, if BMPs not based on *Complying with the Edwards Aquifer Rules: Technical Guidance for BMPs* (TNRCC publication RG-348)
 - P. Measures for Minimizing Surface Stream Contamination

- **2. Storm Water Pollution Prevention Plan (SWPPP)**

- **3. Copy of Notice of Intent (NOI) submitted to EPA**

- **4. Agent Authorization Form (TNRCC-0599), if application submitted by agent**

- **5. Contributing Zone Application Fee Form (TNRCC-10258)**

- **6. Check payable to “Texas Natural Resource Conservation Commission”**

Checklist for Modification Requests for Contributing Zone Plans

- 1. **Modification of a Previously Approved Contributing Zone Plan Form (TNRCC-10259)**
Attachments:
 - A. Road Map
 - B. Quadrangle Map
 - C. Project Description
 - D. Original Approval Letter
 - E. Description of Modification
 - F. Site Plan
- 2. **Agent Authorization Form (TNRCC-0599), if application submitted by agent**
- 3. **Contributing Zone Application Fee Form (TNRCC-10258)**
- 4. **Check payable to "Texas Natural Resource Conservation Commission"**

Checklist for Contributing Zone Exception Requests

- **1. Contributing Zone Exception Request Form (TNRCC-10262)**
Attachments: A. Road map
B. USGS quadrangle map
C. Project Description
D. Nature of Exception
E. Equivalent Water Quality Protection
- **2. Agent Authorization Form (TNRCC-0599), if application submitted by agent**
- **3. Contributing Zone Application Fee Form (TNRCC-10258)**
- **4. Check payable to "Texas Natural Resource Conservation Commission"**

Checklist for Contributing Zone Extension Requests

- 1. Extension Request for a Contribution Zone (TNRCC-10261)**
Attachment A. Approval Letter or Extension Approval
- 2. Agent Authorization Form (TNRCC-0599), if application submitted by agent**
- 3. Contributing Zone Application Fee Form (TNRCC-10258)**
- 4. Check payable to "Texas Natural Resource Conservation Commission"**

Appendix E: Forms to Use to Comply with Edwards Rules

Form Number	Name of Form	Revised:
TNRCC-0574	Application Fee Form and Schedule	June 1, 1999
TNRCC-0575	Aboveground Storage Tank Facility Plan Application	June 1, 1999
TNRCC-0582	Sewage Collection Systems Application	June 1, 1999
TNRCC-0583	Underground Storage Tank Facility Plan Application	June 1, 1999
TNRCC-0583— Instructions	Examples of “Project Description” for New UST Installations and Modifications to Existing UST Sites	June 1, 1999
TNRCC-0584	Water Pollution Abatement Plan Application	June 1, 1999
TNRCC-0585	Geologic Assessment	June 1, 1999
TNRCC-0585— Table	Geologic Assessment Table (Formatted in Quattro Pro 5.0 or Microsoft Excel)	June 1, 1999
TNRCC-0585— Instructions	Instructions to Geologists	June 1, 1999
TNRCC-0587	General Information Form	June 1, 1999
TNRCC-0588	Application Checklist	June 1, 1999
TNRCC-0590	Modification of a Previously Approved Plan	June 1, 1999
TNRCC-0591	General Construction Notes for Lift Stations and Force Mains	June 1, 1999
TNRCC-0592	General Construction Notes for Water Pollution Abatement Plans	June 1, 1999
TNRCC-0596	General Construction Notes for Organized Sewage Collection System Plans	June 1, 1999
TNRCC-0599	Agent Authorization Form	June 1, 1999
TNRCC-0600	Permanent Stormwater Section	June 1, 1999
TNRCC-0602	Temporary Stormwater Section	June 1, 1999
TNRCC-0624	Lift Station/Force Main System Application	June 1, 1999
TNRCC-0625	Deed Recordation Affidavit	June 1, 1999
TNRCC-0628	Recharge and Transition Zone Exception Request Form	June 1, 1999
TNRCC-10243	Wastewater Permits Section’s Submittal Application	June 1, 1999
TNRCC-10256	Solution Feature Discovery Notification Form	June 1, 1999
TNRCC-10257	Contributing Zone Plan Application	June 1, 1999
TNRCC-10258	Contributing Zone Application Fee Form	June 1, 1999
TNRCC-10259	Modification of a Previously Approved Contributing Zone Plan	June 1, 1999
TNRCC-10260	Extension Request for an Edwards Aquifer Protection Plan	June 1, 1999
TNRCC-10261	Extension Request for a Contributing Zone Plan	June 1, 1999
TNRCC-10262	Contributing Zone Exception Request Form	June 1, 1999
TNRCC-10263	Change in Responsibility for Maintenance of Permanent BMPs and Measures	June 1, 1999



