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Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

July 1, 1998

Mr. Scott A. Turpin
T Bar M Inc.
8201 Preston Road, Suite 310, LB 13
Dallas, TX 75225

Re: EDWARDS AQUIFER, Comal County
PROJECT: T Bar M Conference Room, Country Inn, & Sunday House Cabins, Project number 934, Located on south side of Hwy 46 approximately 2 miles west of Loop 334, New Braunfels, Texas
TYPE: Request for Modification of Water Pollution Abatement Plan (WPAP), 30 Texas Administrative Code (TAC) §213.5(b)

Dear Mr. Turpin:

The Texas Natural Resource Conservation Commission (TNRCC) has completed their review of the request for modification of an approved WPAP for the referenced project that was submitted on behalf of T Bar M Inc. by The Schultz Group, Inc. and received by the San Antonio office on April 15, 1998. Additional information was received on June 30, 1998.

BACKGROUND

T Bar M is comprised of the properties summarized in Table 1 below.

PROJECT DESCRIPTION

This facility was previously approved by letters dated February 4, 1987. As presented, the proposed modification to the water pollution abatement plan (WPAP) will consist of the construction of a conference room, a two-story addition to the Country Inn (8,594 square foot footprint), conference center (5,463 square feet), 10 Sunday House cabins (150 square feet, each), maintenance building (3,600 square feet) and six areas of additional parking (1.13 acres). Wastewater is to be disposed of by lateral connections to existing sewer lines.

The San Antonio Regional Office site inspection of June 4, 1998, revealed no features other than those reported in the geologic assessment.

REPLY TO: REGION 13 • 140 HEIMER RD., STE. 360 • SAN ANTONIO, TEXAS 78232-5042 • 210/490-3096 • FAX 210/545-4329

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

Table 1 Summary of T Bar M Property			
Property	Project	Acres	Approval Date
Ranch Estates	Ranch Estates	94.33	8/29/78
64.579 Acre Tract	Office, misc. residences, sports facilities, associated parking	8.00	Developed prior to regulation (8/28/78 IOM)
	Country Inn	5.00	2/4/87
	Cabin & Tennis Courts	.75	1/2/89
	Pool	1.50	5/5/95
	Proposed Sunday House cabins, addition to Country Inn, associated parking	7.39	Pending
	Undeveloped	41.94	NA

APPROVAL

The plan for modifying this project has been reviewed for compliance with 30 TAC §213.5(b) which sets forth pollution abatement criteria for any development on the recharge zone of the Edwards Aquifer. The proposed water pollution abatement plan modification is in general agreement with 30 TAC §213.5(b); therefore, approval of the plan is hereby granted subject to the specific conditions listed below.

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

SPECIAL CONDITIONS OF APPROVAL

1. If any potential sensitive features are encountered during construction, a geologist shall evaluate the significance of the features. The evaluation shall include representative photographs and a description of the feature forwarded to the San Antonio office. Construction in the vicinity of the features may only continue with written approval from the TNRCC.

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2. All permanent pollution abatement measures shall be operational prior to completion of construction for each project area described above.

STANDARD CONDITIONS OF APPROVAL

1. During the course of regulated activities related to this project, the applicant or his agent shall comply with all applicable provisions of 30 TAC chapter 213, Edwards Aquifer. The applicant shall remain responsible for the provisions and conditions of this approval until such responsibility is legally transferred to another person or entity, upon which that person or entity shall assume responsibility for all provisions and conditions of this approval.
2. Any modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a WPAP to amend this approval, including the payment of appropriate fees and all information necessary for its review and approval.
3. Prior to commencing any regulated activity, the applicant or his agent must notify the San Antonio Regional Office in writing of the date on which the regulated activity will begin.
4. The applicant or his agent shall record this WPAP approval in the county deed records within 30 days of receiving this notice of approval. Proof of deed recordation shall be submitted to the San Antonio Regional Office prior to commencing construction. A suggested format that you may use to deed record the approved WPAP is enclosed.
5. All contractors conducting regulated activities at the project location shall be provided a copy of this notice of approval. At least one complete copy of the approved WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.
6. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved WPAP, must be installed prior to construction and maintained during construction. Temporary E&S controls may be removed when vegetation is established and the construction area is stabilized. If a water quality pond is proposed, it shall be used as a sedimentation basin during construction. The TNRCC may monitor stormwater discharges from the site to evaluate the adequacy of temporary E&S control measures. Additional controls may be necessary if excessive solids are being discharged from the site.
7. If any significant recharge feature [sensitive feature] is discovered during construction, all regulated activities near the feature must be suspended immediately. The applicant or his agent must immediately notify the San Antonio Regional Office of the discovery of the feature. Regulated activities near the feature may not proceed until the executive director has

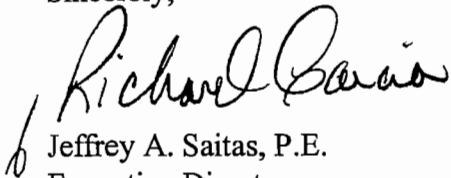
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reviewed and approved the methods proposed to protect the feature and the aquifer from potential adverse impacts to water quality.

8. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the aquifer is protected from potential contamination.
9. Approval of the design of the sewage collection system for this proposed project shall be obtained from the TNRCC prior to commencement of construction of any sewage collection system.
10. No wells exist on the site. Any abandoned wells shall be plugged in accordance with 30 TAC §338 or an equivalent method, as approved by the Executive Director.
11. Pursuant to §26.136 of the Texas Water Code, any violations of the requirements in 30 TAC §213 may result in administrative penalties.

If you have any questions or require additional information, please contact John Mauser of the Edwards Aquifer Protection Program at 210/190-3096. Please reference project number 934.

Sincerely,


Jeffrey A. Saitas, P.E.
Executive Director

JAS/JKM/eg

Enclosure: Deed Recordation Form

cc Stephen E. Schultz, The Schultz Group, Inc.
Harry Bennett, City of New Braunfels
Tom Hornseth, Comal County
Greg Ellis, Edwards Aquifer Authority
TNRCC Field Operations, Austin