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John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

August 10, 1999

Mr. Herman D. Sabrsula
Eden Home
631 Lakeview Blvd.
New Braunfels, TX 78130

Re: EDWARDS AQUIFER, Comal County
PROJECT: Eden Home - Parking Edition & Chapel, Project number 1282, Located at
631 Lakeview Blvd, New Braunfels, Texas
TYPE: Request for Approval of Water Pollution Abatement Plan (WPAP); 30 Texas
Administrative Code (TAC) §213.5(b); Edwards Aquifer Protection Program

Dear Mr. Sabrsula:

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 by Mr. Stephen E. Schultz of The Schultz Group on behalf of Eden Home to the San Antonio Regional Office on May 6, 1999.

PROJECT DESCRIPTION

Approvals and modifications for this facility were summarized in a TNRCC letter dated December 31, 1997. As presented, the proposed modification to the water pollution abatement plan (WPAP) will consist of expanding an existing building by constructing a 5,448 square foot chapel and 0.23 acres of associated parking. Project wastewater will be disposed of by conveyance to the existing Gruene Road Sewage Treatment Plant owned by New Braunfels Utilities. The site is located within the City of New Braunfels, and must conform with applicable codes and requirements of the City of New Braunfels.

PERMANENT POLLUTION ABATEMENT MEASURES

The following measure will be taken to prevent pollution of stormwater originating on-site or up-gradient from the project site and potentially flowing across and off the site after construction:

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

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The 0.33 acre vegetative filter strip is designed in accordance with the 1992 edition of the LCRA Nonpoint Source Pollution Control Technical Manual. The filter strip will:

1. be contiguous with developed area,
2. be at the same elevation as the developed area,
3. have a level spreading device, and
4. be sized to filter stormwater run-off from 0.23 acres of impervious cover.

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.
2. All permanent pollution abatement measures shall be operational prior to completion of construction.
3. The temporary and permanent best management practices (BMPs) for the proposed project have been reviewed by the Commission's staff. As presented to the TNRCC, the BMPs were designed by a Texas Licensed Professional Engineer to be in accordance with the requirements of 30 TAC §213.5(b). Therefore, based on the Texas Licensed Professional Engineer's certification of compliance, the planning materials for construction of the proposed pollution abatement measures are hereby approved.

4. The vegetative filter strip is designed in accordance with the 1992 edition of the LCRA Nonpoint Source Pollution Control Technical Manual and will incorporate treatment of stormwater as 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

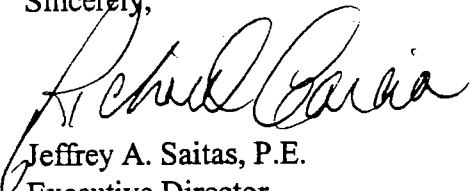
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agent must immediately notify the San Antonio Regional Office of the discovery of the feature. Regulated activities near the feature may not proceed until the executive director has reviewed and approved the methods proposed to protect the feature and the aquifer from 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. Pursuant to §26.136 of the Texas Water Code, any violations of the requirements in 30 TAC §213 may result in administrative penalties.

Should clarification of this letter be desired or if we may be of any other assistance, please contact John Mauser of our San Antonio Regional office at 210/403-4024. Please reference project number 1282.

Sincerely,



Jeffrey A. Saitas, P.E.
Executive Director

Texas Natural Resource Conservation Commission

JAS/JKM/eg

Enclosure: Deed Recordation Form

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