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R. B. "Ralph" Marquez, *Commissioner*  
John M. Baker, *Commissioner*  
Dan Pearson, *Executive Director*



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

August 11, 1997

Mr. Frank L. Frausto  
243 Southhill Road  
San Antonio, TX 78201

Re: EDWARDS AQUIFER, Comal County  
PROJECT: Frank L. Frausto Residence, Project number 588, Located at 1365 Ervenberg Avenue, 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. Frausto:

The Texas Natural Resource Conservation Commission (TNRCC) has completed its review of the WPAP application for the referenced project that you submitted to the San Antonio Regional Office on June 2, 1997. The WPAP proposed in the application is in general compliance with 30 TAC § 213.5(b); therefore, approval of the plan is hereby granted subject to applicable state rules and the conditions in this approval letter. *This approval expires two (2) years from the date of this approval unless, prior to the expiration date, construction has commenced on the project or an extension of time has been requested.*

### PROJECT DESCRIPTION

The proposed residential project will have an area of 2.684 acres and will consist of one (1) single-family residence to be moved or relocated onto the property, or built. Project wastewater for the residence will be treated by a private on-site septic system. According to a May 30, 1997 letter signed by Mr. Joe M. Lara, City Sanitarian for the City of New Braunfels, "This property will qualify for on-site sewage disposal: overall site suitability and final system selection is dependent on the specific conditions as determined by a Professional Engineer (P.E.) or Registered Sanitarian (R.S.)." The proposed impervious cover for the development is unspecified. The site is located within the City of New Braunfels, and must conform with applicable codes and requirements of the City of New Braunfels.

### GEOLOGY ON SITE

This is a single-family residential project with that is less than 10 acres. Therefore, a geologic assessment was not required. A site investigation by the San Antonio Regional Office was not conducted.

REPLY TO: REGION 13 • 140 HEIMER RD., SUITE 360 • SAN ANTONIO, TEXAS 78232-5042 • AREA CODE 210/490-3096

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000

printed on recycled paper using soy-based ink

### SPECIAL CONDITIONS

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.

### STANDARD CONDITIONS


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 and prior to commencing any regulated activity at the project location. Proof of deed recordation shall be submitted to the San Antonio Regional Office. 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.

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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 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. 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.  
  
Any drill holes resulting from core sampling on-site or down-gradient of the site shall be plugged with native soil, from the bottom of the hole to the top of the hole, so as to not allow water or contaminants to enter the subsurface environment.
10. 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 210/490-3096. Reference project number 588.

Sincerely,

  
Dan Pearson  
Executive Director

DP/JKM/eg

Enclosure: Deed Recordation Affidavit

cc: Harry Bennett, City of New Braunfels  
Clarence Bolner, City of New Braunfels  
Mike Shands, City of New Braunfels  
Tom Hornseth, Comal County  
Greg Ellis, Edwards Aquifer Authority  
TNRCC Field Operations, Austin