Barry R. McBee, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

December 18, 1998

Mr. Scott Turpin
T-Bar-M, Inc.
8201 Preston Road, Suite 310 LB13
Dallas, TX 75225

Re: EDWARDS AQUIFER, Comal County
PROJECT: T-Bar-M, Inc., Project number 1096, Located on south side of Hwy 46 approximately 2 miles west of Loop 334, , 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. 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 and received by the San Antonio office on September 28, 1998.

PROJECT DESCRIPTION

This facility was previously approved by letter dated July 1, 1998. As presented, the proposed modification to the water pollution abatement plan will consist of relocation of buildings and asphalt drives. As presented, the revisions "do not change the approved Temporary Pollution or the Permanent Pollution Abatement Plans that were submitted and approved on July 1, 1998...", and "...there are no changes to the approved Organized Sewer Collection System (Approval letter dated May 28, 1998)."

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. This modification is subject to all Special and Standard Conditions listed in the WPAP approval letter of July 1, 1998.

3. All permanent pollution abatement measures shall be operational prior to completion of construction.

4. After completion of the project, submit as-built plans prepared by a Texas licensed professional engineer.

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 1096.

Sincerely,

Bobby D. Caldwell

for Jeffrey A. Saitas, P.E.
Executive Director
Texas Natural Resource Conservation Commission

JAS/JKM/eg

Enclosure: Deed Recordation Form

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

Barry R. McBee, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
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.

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	½/89
	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.

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

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

TEXAS WATER COMMISSION

Paul Hopkins, Chairman
Ralph Roming, Commissioner
John O. Houchins, Commissioner

Larry R. Soward, Executive Director
Mary Ann Hefner, Chief Clerk
James K. Rourke, Jr., General Counsel

February 4, 1987

RECEIVED
FEB 05 87
OPERATIONS
DISTRICT 8

Mr. Scott Turpin, President
T Bar M, Inc.
6060 Dilbeck
Dallas, Texas 75240

Re: T Bar M Country Inn; Request for Water Pollution Abatement Plan Approval; 31 Texas Administrative Code (TAC) Section 313.3

Dear Mr. Turpin:

We have completed our review of the water pollution abatement plan which was submitted to the District 8 Office by Langwith, Wilson & King Associates, Inc. As outlined in the application, the proposed development is comprised of 5.0 acres which will be developed with a 40-room hotel and associated conference room. Sewage generated from the inn will be treated and disposed of through the T Bar M, Inc., wastewater treatment plant (Permit No. 11279-01).

We understand that the inn has already been constructed. This activity is a violation of 31 TAC Section 313.3(a) which states, in part:

> For all regulated developments that are proposed to be located on the Recharge Zone, a water pollution abatement plan must be prepared and approval from the Executive Director obtained prior to the commencement of any construction in the development.

This violation is currently under staff review for possible enforcement action. The approval of this water pollution abatement plan shall not be construed by T Bar M, Inc. as having any effect on pending enforcement action.

The plan for this development has been reviewed for compliance with 31 TAC Section 313.3 which sets forth the required pollution abatement activities for construction activities on the recharge zone of the Edwards Aquifer. The proposed pollution abatement activities are in general agreement with 31 TAC Section 313.3 and approval for this phase of the development is hereby granted with the following conditions:

1. The plans and specifications for the sewage collection system to serve the inn shall be approved by this agency, in accordance with 31 TAC Section 313.4. This shall include appropriate testing and construction certification, as outlined in 31 TAC Section 313.4(b)(5).

2. If any solution openings (such as caves or pipes) or sinkholes are discovered on the site during land clearing, excavation or blasting, the developer or his agent shall immediately notify the District 8 Office in San Antonio. Construction in the vicinity of such a feature shall cease pending approval by the District 8 manager of the proposed method to prevent pollutants from entering the area(s).

T Bar M, Inc. shall remain responsible for all applicable provisions of 31 TAC Chapter 313 - Subchapter A and the aforementioned special conditions until such responsibility is legally transferred to another entity or person.

We would remind you that 31 TAC Section 313.3(e) requires you to record in the county deed records that this property is subject to the content of the approved water pollution abatement plan and submit proof of this recordation to the Executive Director no less than ten days prior to commencing construction. In lieu of this requirement, since the development is complete, proof of recordation shall be submitted to the Executive Director within 20 days from the date of this letter. Also, you are reminded that certain changes in the existing development or construction on undeveloped areas of this property will require approval of a modification of the original water pollution abatement plan in accordance with 31 TAC Section 313.3(f) or submittal of additional water pollution abatement plans. Enclosed is a suggested format you may wish to use for deed recording your approved water pollution abatement plan.

If you have any questions or require additional information, please contact Ms. Jeffie McAuley at (512) 226-3297 in San Antonio or Ms. Liska Mercer at (512) 463-7743 in Austin.

Sincerely,

Robert McDonnell Jr., P.E.

for Larry R. Soward
Executive Director

LLM:kas
Enclosure

ccs: Mr. Charles Wilson, Langwith, Wilson & King Associates, Inc.
Mr. Stuart Whitford, Stuart Whitford & Associates
County of Comal
Edwards Underground Water District
Texas Water Commission District 8 Office
Ms. Robin Shaver, Wastewater Enforcement Section