

Thank you for the opportunity to comment on the TCEQ Sunset Review Process.

My name is Annalisa Peace, and I am speaking on behalf of the Greater Edwards Aquifer Alliance. The Greater Edwards Aquifer Alliance (GEAA) is composed of 50 member organizations united behind a comprehensive plan to protect the Edwards Aquifer, its springs and watersheds, and the Texas Hill Country. We will be submitting written comments outlining our recommendations for changes to TCEQ through this process. I take this opportunity to offer our perspective on the agency's effectiveness.

Our members come from throughout 15 counties in the Edwards and Trinity aquifer regions. Working within this service area since 2004, I have come to the conclusion that the TCEQ, as it currently exists, is not serving the citizens of Texas well by adequately protecting our natural resources. All too often, GEAA, our member groups, and individual citizens have been required to contest permits for projects that should have never been granted in the first place. We have seen TCEQ issue permits based upon faulty modeling and false information. Permits to applicants who have a long history of non-compliance with TCEQ regulations. Permits for projects that pollute our surface and groundwater. Permits for projects that have resulted degradation of our natural resources.

There are numerous examples, too many to recount here, where we would rate the performance of this agency as less than stellar. Since 2005, GEAA has submitted comments on the Edwards Aquifer Protection Program that have been endorsed by organizations from across the Edwards region, including community,

environmental and religious groups, planners, professional engineers, and elected officials. Our membership represents a large segment of the population that relies on the Edwards Aquifer for their potable water supply, and a broad consensus on how to best protect the aquifer. We have yet to see any of our recommendations acknowledged by changes in practices and requirements that would afford better protection to one of the world's uniquely prolific water resources. And, we have been told by legislators that actions for which we have filed legislation could have been achieved administratively by the TCEQ.

GEAA works regularly with the staff of our regional office, and with staff at the State offices in Austin. I would like to acknowledge that you have many fine public servants employed by TCEQ who are doing an excellent job. I believe that most problems with the agency stem from direction at the top level – that staff is often discouraged from, or not permitted to do their jobs;

And, from inadequate allocation of funding. The agency is understaffed, which often results in only the most cursory review of permit applications. On top of that, turn around time for approval of permit applications dictated by the agency does not afford the time to adequately check and verify information presented by the applicant. For example, we are aware that TCEQ staff is under special pressure to process Water Pollution Abatement Plans for approval within 60 days rather than the 90 day period provided for in the Edwards Rules. If anything, the rules should increase the 90 day period to provide for more comprehensive review of WPAPs.

As the State of Texas, and particularly the Hill Country region, become more densely populated, we will need a strong, well funded and well staffed Commission on Environmental Quality if we are to maintain the same quality of life that we currently enjoy. The citizens of Texas need an agency dedicated to the protection of our natural resources. We need an agency that adopts and strictly enforces state of the art regulations adequate to insure that we maintain the high quality of our potable and recreational water resources. We hope that, through this process, you will begin to create such an agency.

Thank you for your consideration. We look forward to working with you during the upcoming Legislative session.

Chief among these is legislation to prohibit effluent discharge into water ways that recharge the Edwards Aquifer. There is widespread scientific consensus, and local governmental support for, prohibiting wastewater discharges into the Edwards Aquifer in order to prevent degradation. Despite opposition to this practice, new permits for direct discharges of effluent have been approved in the Edwards Contributing Zone, both in the Barton Springs segment of the Edwards and the San Antonio segment.

TCEQ should also consider incorporating Edwards-specific rules for quarries and rock crushers in the Recharge and Contributing Zones. Where these facilities are located in Edwards Limestone, the underlying aquifer is particularly vulnerable to contamination, whether or not the quarry actually excavates to below the aquifer water level. Without more stringent TCEQ regulations, quarries and rock crushers will continue to degrade the aquifer and damage the health and water supply of adjacent communities.

There is widespread scientific consensus that limiting impervious cover in both the recharge and contributing zones is necessary to maintain water quality in the Edwards Aquifer.¹ Scientists agree that engineered controls, even when perfectly maintained, cannot replace impervious cover limits. TCEQ should recognize this sound science by implementing impervious cover limits of no more than 10% in the recharge zone and 15% in the contributing zone.

¹ See *Protecting the Edwards Aquifer: A Scientific Consensus*, signed by 39 scientists, planners, and engineers in 1997, also available at <http://www.aquiferalliance.org>.