

Edwards Aquifer Protection Program Public Comments

Comment Topic	Number of Comments Received	Year Received	Commenter(s)	TCEQ Action
Drinking Water <ul style="list-style-type: none"> • Taste Complaint of Fluoride in Water Supply • Extension of Water Lines • Restriction Of Groundwater Use 	3	04, 05	Smart Growth San Antonio; 2 individuals	Issues related to the Drinking Water comments are outside the jurisdiction of the TCEQ Edwards Aquifer Protection Program's (EAPP) regulatory authority.
Wastewater / On Site Sewage Facilities <ul style="list-style-type: none"> • Permit coordination between OSSF permitting staff and EAPP permitting staff • Additional training for OSSF professionals working over the regulated zones • Golf course effluent irrigation and pest management issues • Effluent irrigation standards • Consideration of revising testing requirements for sewage collection systems • Prohibit discharge of treated wastewater across recharge and contributing zones. 	35	99, 02, 04, 06, 07, 09, 10	Take Back Texas; San Antonio Water System (SAWS); United States Fish and Wildlife Service (USFWS); City of Austin (COA); Save Our Springs (SOS) Alliance; Greater Edwards Aquifer Alliance* (GEAA); Aquifer Guardians in Urban Areas; Georgetown Utility Systems; Travis County; 2 individuals	The TCEQ EAPP will consider these items in the next rule revision project.
Water Quality Standards <ul style="list-style-type: none"> • Re-evaluate current water quality effluent and performance standards(esp. related to golf course and OSSF systems) • Re-evaluate water quality performance standards to include 	17	99, 02, 04, 05, 06, 07, 09, 10	COA; Barton Springs Edwards Aquifer Conservation District; SOS Alliance; GEAA; Aquifer Guardians in Urban Areas; Medina County Environmental	The TCEQ EAPP will consider these items in the next rule revision project.

<p>toxic metals, organic chemicals and nutrients</p> <ul style="list-style-type: none"> • Consideration of Impervious cover limits 			<p>Action Association (MCEAA); Edwards Aquifer Authority (EAA); 1 individual</p>	
<p>Endangered Species Act / Optional Measures</p> <ul style="list-style-type: none"> • Sealing of sensitive features • Consideration of Impervious cover limits and setback requirements; • Takings of Endangered Species • Optional Measures deficient in protection of Barton Springs salamander 	30	99, 01, 02, 04, 05, 06, 07	<p>USFWS; COA; Take Back Texas; SOS Alliance; GEAA; Aquifer Guardians in Urban Areas; 1 individual</p>	<p>The TCEQ EAPP will consider these items in the next rule revision project. Some of the issues related to comments on the Taking of Endangered species have been addressed through the "Optional Water Quality Measures." (Appendix A of EAPP Technical Guidance Manual)</p>
<p>Adaptive Management</p> <ul style="list-style-type: none"> • Additional studies needed • Monitoring needed • Impact studies recommended 	15	99, 01, 02, 04, 05, 07	<p>Take Back Texas; Barton Springs Edwards Aquifer Conservation District; EAA; USFWS; COA; Smart Growth San Antonio; 2 individuals; SOS Alliance;</p>	<p>The TCEQ EAPP will consider these items in the next rule revision project. Some of the issues related to comments on Adaptive Management have been addressed through the "Optional Water Quality Measures." (Appendix A of EAPP Technical Guidance Manual)</p>
<p>Quarries</p> <ul style="list-style-type: none"> • Clarify permitting process for Quarries and Rock Crushers • Setup an Advisory Committee on Rock Crushers and Quarries • Restrict quarry activity • Provide rules for quarries over RZ 	11	04, 06, 07, 09	<p>Spear's Ranch on Salado Creek Property Owners Association; MCEAA; COA; SOS Alliance; GEAA; 1 individual</p>	<p>The TCEQ EAPP will consider these items in the next rule revision project.</p>
<p>Petroleum Storage Tanks USTs; ASTs;</p>	16	99, 01, 02, 05, 10	<p>EAA; City of SA; SAWS; SOS Alliance; GEAA;</p>	<p>The TCEQ EAPP will consider these items in the next rule revision project.</p>

<ul style="list-style-type: none"> • Tertiary containment • Restricted activity 			Barton Springs Edwards Aquifer Conservation District; 1 Individual	
<p>Legal Issues</p> <ul style="list-style-type: none"> • Impervious Cover • Authority of EAA • Delegation of EAPP • Property Rights • Financial Assurance • Water Rights • Need for stricter rules • Interbasin Transfers 	52	99, 01, 02, 04, 05, 06, 07, 09	Take Back Texas; SAWS; EAA; Real Estate Council of SA; UTSA Progressive Student Organization; Smart Growth San Antonio; Barton Springs Edwards Aquifer Conservation District; SOS Alliance; GEAA; Aquifer Guardians in Urban Areas; Regional Clean Air and Water Association; San Geronimo Watershed Alliance; Spear's Ranch on Salado Creek; MCEAA; Lower Colorado River Authority (LCRA); COA; SAWS; 3 individuals	The TCEQ EAPP will consider these items in the next rule revision project.
<p>Hazardous Materials / Spill Response</p> <ul style="list-style-type: none"> • Development of Standard Operating and Reporting Procedures for Firefighting activities over the Recharge Zone • Limiting the use of Hazardous Materials over the Recharge Zone 	11	04, 05, 07	UTSA Progressive Student Organization; 3 individuals,	The TCEQ EAPP will consider these items in the next rule revision project.
<p>EAPP Administrative Issues</p> <ul style="list-style-type: none"> • Geologic Assessment Improvements • Inclusion of Local Entities in the plan review process • More time for Local Entity Review 	142	99, 01, 02, 04, 05, 06, 07, 09, 10	Barton Springs Edwards Aquifer Conservation District; Edwards Aquifer Authority; City of SA; SAWS; Real Estate	The TCEQ EAPP has addressed comments associated with the distribution of EAPP plans to local jurisdictions and the annual expense reporting in previous rule revisions.

<ul style="list-style-type: none"> • Need to Increase Funding and Staffing Levels in the EAPP • Accounting of EAPP through an Annual Expense Report • Request for more of an Investigative Presence during and post construction • Impervious Cover Limits • Development of an operational Permit for Permanent BMPs. • Public Education and Outreach • More responsive to Comments from the Public Hearings Address this one with a TCEQ Action comment • Prohibit/Limit the Sealing of Sensitive Features • Develop a GIS Inventory of BMPs and Sealed Features • Highway Expansion (widening of roads) should consistently go through full plan review process • Develop protocol and certification program for Water Quality Basin Maintenance • Revise rules to be more environmentally protective • Establish an Inspection Fee program • Land Use restrictions over the recharge zones (Limit the number of gas stations, golf courses, high-density developments, mining activities, etc.) • Water Well Disclosures • Management of Nutrients on golf 			<p>Council of SA; Friendship Alliance; SOS Alliance; Regional Clean Air and Water Association; COA; GEAA; Aquifer Guardians in Urban Areas; Take Back Texas; USFWS; GBRA; smart growth in SA; CMA Engineering; Murfee Engineering; MCEAA; LCRA; City of Sunset Valley; Professional Engineers in Private Practice (PEPP); Carma Developers; aci Consulting; M&S Engineering; Travis County; 16 individuals</p>	<p>Rule revision was in response to HB 2912 Article 10. Added Texas Water Code sections 26.051 (Annual Expense Report) and 26.137 (30-day Comment period on plans)</p> <p>In FY07, the TCEQ assigned four additional investigators to the EAPP. The increased staff provided opportunities for better plan reviews, enforcement presence, and oversight of the program.</p> <p>The other items listed in this section will be considered during the next rule revision project.</p>
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<p>courses and private lawns</p> <ul style="list-style-type: none"> • <u>Prohibit</u> direct effluent discharge in recharge zone and contributing zone • <u>Allow</u> direct discharge of treated effluent in recharge and contributing zones • Include "road base" in definition of impervious cover • Reduce disturbed acreage in CZ to < 5 acres for plan submittal • Include the addition of electrical transformers or other equipment at a previously approved/fully developed site to be exempt from plan mod if no changes to impervious cover • Allow 20% impervious cover exemption for sites < 5 acres • Review rules for consistency with "zero tolerance" of impacts to streams • Require TCEQ EAPP staff reviewing applications to be Texas Licensed Professional Engineers • More formal process for preliminary review 				
<p>EAPP Technical Guidance Manual Issues</p> <ul style="list-style-type: none"> • Revise to include provisions for controlling chemical fertilizer use • Revise current Performance Standard • Require adequate buffer zones • Provide more notice and realistic implementation timeframes to TGM updates; also get more input from engineering community 	<p>19</p>	<p>99, 01, 02, 06, 07, 09, 10</p>	<p>Real Estate Council of SA; COA; Barton Springs Edwards Aquifer Conservation District; SOS Alliance; GEAA; Aquifer Guardians in Urban Areas; SAWS; PEPP; Travis County; 2 individuals</p>	<p>The TCEQ EAPP will consider these items in future revisions of the Technical Guidance Manual.</p> <p>The Technical Guidance Manual was last revised in July 2005. A current revision to incorporate Errata and Addendum information is underway.</p>

<ul style="list-style-type: none"> • Provide more detail on OSSF installation, operation, and maintenance considerations. 				
<p>EAPP Best Management Practices Issues</p> <ul style="list-style-type: none"> • The current performance standards of BMPS should be expanded to include additional parameters. (Hydrocarbons, Heavy Metals, and Pesticides) • Revision to Volume calculations in the Design of Permanent BMPs • Use of additional BMPs to be more protective • Revisit the permanent BMP Exemption for sites with less than 20% Impervious Cover Limit • Require vegetative buffer zones for sensitive features and streams • Encourage use of existing native trees and understory vegetation to meet compliance with EAPP • Maintenance issues related to BMPs 	70	99, 01, 02, 04, 05, 06, 07, 09	Barton Springs Edwards Aquifer Conservation District; Edwards Aquifer Authority; City of SA; SAWS; Real Estate Council of SA; Friendship Alliance; SOS Alliance; COA; GEAA; Aquifer Guardians in Urban Areas; Take Back Texas; USFWS; Smart Growth in SA; UTSA Progressive Student Organization; Murfee Engineering; Aqualogic; 5 individuals	The TCEQ EAPP will consider these items in the next rule revision project. Some of the issues related to comments on buffer zones and erosion control have been addressed through the "Optional Water Quality Measures." (Appendix A of EAPP Technical Guidance Manual)
<p>EAPP Enforcement Issues</p> <ul style="list-style-type: none"> • More program Oversight • More inspections • More resources added through additional staff and contracting out certain duties • Current penalties are insufficient • Need more management of basin ownership information 	21	02, 04, 05, 06, 07, 09	Barton Springs Edwards Aquifer Conservation District; SOS Alliance; GEAA; UTSA Progressive Student Organization; COA; SAWS; 3 individuals	In FY07, the TCEQ assigned four additional investigators to the EAPP. The increased staff provided opportunities for better plan reviews, enforcement presence, and oversight of the program.
<p>EAPP Mapping Issues</p> <ul style="list-style-type: none"> • Consider input from other Geologists and professional organizations 			SAWS; Murphy Engineering Co; Horizon Environmental Services;	In FY 05, the TCEQ EAPP revised the geologic map of the regulated zones based on the petition from the Barton

<ul style="list-style-type: none"> Vulnerability Mapping 	7	01, 02, 05, 07	Barton Springs Edwards Aquifer Conservation District; USFWS; COA	Springs Edwards Aquifer Conservation District with input from other geologists. Areas outside of the petition area were also revised. The mapping of areas potentially vulnerable to impacts will be considered.
<p>EAPP Miscellaneous Issues</p> <ul style="list-style-type: none"> Establishment and increased authority of Groundwater Conservation Districts over the aquifer region Desire to protect the Trinity Glen Rose aquifer because it contributes into the Edwards Aquifer 	8	99, 04, 05, 12	Smart Growth San Antonio; 4 individuals	<p>Issues related to the establishment of Ground Water Conservation Districts are outside the jurisdiction of the Edwards Aquifer Protection Program's (EAPP) regulatory authority.</p> <p>The Trinity Glen Rose Groundwater Conservation District, created by HB 2005, as a result of TCEQ designating the Trinity group of aquifers as a Priority Groundwater Management Area (PGMA), manages the Trinity Glen Rose aquifer to ensure appropriate groundwater management techniques and strategies could be implemented at the local level.</p>

* Members of the Greater Edwards Aquifer Alliance include: Alamo Group of the Sierra Club, Aquifer Guardians in Urban Areas, Austin Regional Group of the Sierra Club, Bexar Audubon Society, Boerne Together, Citizens Alliance for Smart Expansion, Cibolo Nature Center, Environment Texas, First Unitarian Universalist Church of San Antonio, Friends of Canyon Lake, Friends of Government Canyon, Fuerza Unida, Guardians of Lick Creek, Hays Community Action Network, Helotes Creek Nature Center, Hill Country Planning Association, Kendall County Well Owners Association, Kinney County Ground Zero, Medina County Environmental Action Association, Northwest Interstate Coalition of Neighborhoods, Old Spanish Trail Centennial Celebration Association 100, Preserve Castroville, Preserve Lake Dunlap, San Antonio Audubon Society, San Antonio Conservation Society, San Geronimo Valley Alliance, San Marcos Greenbelt Alliance, San Marcos River Foundation, Santuario Sisterfarm, Save Barton Creek Association, Save Our Springs Alliance, Scenic Loop Boerne Stage Alliance, Securing A Future Environment (SAFE), Sisters of Divine Providence, Smart Growth San Antonio, Sustainable Energy & Economic Development (SEED) Coalition, Texas Water Alliance, West Texas Springs Alliance, Wildlife Rescue and Rehabilitation, and Wimberley Valley Watershed Association.