

August 12, 2005

Ms. Kathleen Hartnett White, Chair
Mr. Ralph Marquez, Commissioner
Mr. Larry Soward, Commissioner
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Re: Edwards Aquifer Protection Rules

Dear Chairman White and Commissioners,

We write today to urge TCEQ to strengthen its rules for protecting the quality of water in the irreplaceable Edwards Aquifer.

As you know, the Edwards Aquifer is one of the most important sources of water for this and future generations of Central Texans. Communities across the recharge and contributing zones of the Edwards have recognized that they do not want to leave a legacy of contamination, and have acted where they can to place reasonable conditions on development and other human activities.

Nonetheless, only TCEQ has authority to protect water quality across the entire Edwards Aquifer Region and beyond the regulatory jurisdiction of cities or individual aquifer authorities. Information to date on certain instances of contamination indicates that TCEQ's rules must be strengthened in order to fully protect the aquifer.

Among the improvements that we, and others, believe would make TCEQ rules much more effective:

1. Limitations on impervious cover in the recharge and contributing zones. Many studies suggest that a 10 to 15% limitation is required to adequately protect water quality in sensitive karst formations such as the Edwards.
2. Clear and enforceable conditions on all development to preserve the soil and native vegetation to protect known cave openings, karst solution features, springs, wetland and streams.
3. Expand the pollution reduction standard for storm runoff beyond total suspended solids to reduce toxic metals, organic chemicals, and nutrients to safe or naturally occurring levels.

In addition, TCEQ enforcement of the Edwards rules must be strengthened. Where local governments demonstrate equivalent or more protective standards and an adequate implementation and enforcement program, primary responsibility for implementing the

TCEQ Edwards Aquifer protection program could be delegated to the local government, with appropriate TCEQ oversight.

Sincerely,

Environmental Defense