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The Medina County Environmental Action Association, Inc.

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October 17, 2006

FD 34284

Texas Commission on Environmental Quality
Kathleen Hartnett White, Chairman
P O Box 13087
Austin, Texas 78711-3087

received
10/23/06

Dear Ms. White,

This letter is to thank you on behalf of the Medina County Environmental Action Association. We appreciate your allowing me to speak to the TCEQ commissioners on 10 October 2006.

As you will recall the primary purpose of my remarks was to point out MCEAA's opinion that TCEQ needs to be given more authority from the legislature, in order to protect Texas water quality. I used as a prime example Vulcan Materials Water Pollution Abatement Plan for their proposed 1760 acre quarry, submitted to and approved by TCEQ. This plan allows Vulcan to remove 200,000,000 tons of limestone from the Edwards Aquifer Recharge Zone to within twenty five (25) feet of the aquifer. This plan was approved by TCEQ despite MCEAA members and scientists' factual data that the Edwards Aquifer would enter the quarry floor and walls when aquifer levels were high. It is our understanding that TCEQ has no authority to restrict the distance any aggregate company can mine over an aquifer. Unrestricted mining should not be allowed.

If needed restrictions are not obtained one can expect TCEQ will continue to function in a reactive manner, i.e., after pollution has occurred. It will continue assessing fines and collecting only one percent (1%) of these fines. Meanwhile Texas water quality will continue to decline in the face of increasing demand for water. Costly, frequently ineffective, cleanups will continue.

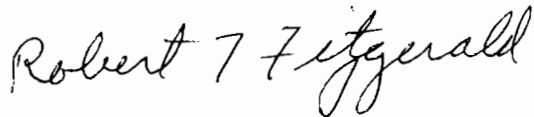
To alter this scenario a proactive approach would appear to be in order. TCEQ should review it's 15 plus years experience with WPAP, determine areas of needed authority, and seek legislative changes. In addition it is obvious that WPAP plans may have unique circumstances that need to be defined and dealt with on an individual basis. TCEQ must acknowledge the above and submit a request to the legislation for this needed authority.

Another suggestion that would help to protect water quality would be for TCEQ to encourage and support public meetings where individual and group inputs can be submitted, subsequently considered, and ultimately responded to before the WPAP is approved. The

public living in the area of the WPAP, even though they are generally not skilled in hydrology or geology, are none the less knowledgeable about local water matters and potential problems, and they have a right to bring these concerns before TCEQ and the applicant. Open public meetings where TCEQ, the applicant, and the public can review the plan and submit questions and comments would aid TCEQ in devising a proper WPAP. To allow the applicant "Carte Blanche" in formulating a WPAP without public input forces TCEQ to accept the applicant's distortions and omission of facts.

In closing MCEAA again wishes to thank you and the TCEQ and the Commissioners for the opportunity to express our concerns and suggestions. We hope that you will seriously consider our request for you to seek much needed authority from the Texas legislature. We will be meeting with our legislative representatives in the near future and will support the need for TCEQ's increased authority. These much needed reforms will help change TCEQ from a reactive to a proactive agency and will result in better water quality for Texas.

Sincerely,

A handwritten signature in cursive script that reads "Robert T. Fitzgerald".

Dr. Robert T. Fitzgerald

cc: Glenn Shankle, Executive Director, TCEQ
R. B. Marquez, Commissioner
Larry Soward, Commissioner
Mark Vickery, Commissioner
Robert Potts, Executive Director, Edwards Aquifer Authority
Victoria Rutson, Surface Transportation
U.S. Congressman Henry Bonilla
Sen. Troy Fraser
Rep. Tracy King
Rep. David Leibowitz
Rep. Carlos Uresti

MCEAA, Inc., for your Home, Health, and Heritage