

#E1-2808
R-1

FD 34284

Due to some graphic content, attached is a redacted version of the comment materials received. Please contact the Section of Environmental Analysis to view the full version.

STB
De Keet
34284

January 11th, 2007 My name is Jack Love I am Mico Fire Chief at Medina Lake Dam...In Medina County...I am concerned with the Vulcan proposed Quarry in Quihi.....I have enclosed pictures of a fire we had in my fire district on November 11th, 2006 at Medina Crushed Stone Quarry located at 16385 Fm 1283.....I was Incident Command.....it was my scene.....If we were not so good this would have been a very bad incident.....Nearby in Bexar Spring Ranch Subdivision when landowners drill their wells ... they are required to CASE thru the Edwards formation to get their water.... So I assume this Quarry and Vulcan's fm 1283 plant (which they prefer to call San Geronimo Creek Plant)...and Deep Creek Quarry and new quarry which abuts to land I own on fm 1283.....Now I have DANGER BLASTING SIGNS NEXT TO MY PROOPERTY and they bulldozed the fence line.... THEY KEEP NO BUFFER. and others are located over the Aquifer...Of all the fire chiefs and Depts. in Medina County Mico Fire Dept has the most quarries.....they are located just outside Bexar county.....these pictures show the scene....I thought I was going to a car fire....when I got to the scene.....gravel trucks were backed up and the black smoke could be seen from the lake ten miles away & from Castroville 18 miles away....and it was just starting.....when I actually got to the scene and saw where it was.....I was on the radio to Medina County Dispatcher.....I said...."OH [REDACTED] Hondo" I've never done that in over twenty years and everyone in the county knew we were in trouble.....I asked for mutual aid from Castroville Fire Dept and also Geronimo Village Fire Dept in Bexar County.....TCEQ report says "San Antonio Fire Dept also responded" that is untrue COSA FIRE DEPT never made scene. The City of San Antonio does not respond with emergency services to areas they have annexed...& they have annexed into Medina county with the Mayberry Tract next to EX Senator Phil Graham's 1,000 ranch in my ESD and Fire district..... I had no idea there was a 10,000 diesel & butter fuel tank.....along with a 1,000 tank of regular diesel and also a 1,000 gallon tank of propane in danger along with the many other Hazmat fuel tanks in the pictures.....and the huge Asphalt tank which keeps asphalt at 325 degrees to be mixed with the crushed lime stone...The fire was located in the middle of all this fuel.....the tanks were stretching and making noise.....It the beginning it was just me and one other firefighter.....and all we had was my Rescue Truck. which has all our Jaws of Life equipment and only 300 gallons of water and luckily foam.....We attacked the fire....when I first saw it.....I had some doubts that we were going to make it out alive.....If we were not so good this could have been a major environmental disaster.....all the fuel, asphalt, and who know what else would have leaked out caught fire and residue drained into the Aquifer and the Quarry's lake (used to wash the Lime Stone)....Our Hazmat Book said to back off 1/2 mile based on the placard on some of the tanks..... I also got Medina Valley EMS to make scene in case the fumes and smoke and what ever else would not hurt my firemen.....Every bit of the mutual aid I requested came with out question.....I went back five hours later and took these pictures.....I asked Dispatch to contact and advise TCEQ of the fire....and they called me on my cell phone and said "WHO?" To sum it up no one expected this to happen but it did....TCEQ report said that 10,000 diesel tank was not registered.....Maybe it was!! but they said they could find no record....This shows how much goes on that TCEQ does not keep up on or is even aware of.....and EVERYTHING THAT HAPPENED AT THE FIRE COULD VERY WELL HAPPEN AT VULCAN'S QUIHI PLANT. Which is going to be huge and they propose to quarry to within fifty feet of the top of the Edwards Aquifer.... People say I know what you mean about that fire.....NO THEY DON'T UNLESS THEY WERE ME AND IN MY BOOTS and Incident Command fighting to control that monster they DO NOT KNOW. I am skeptical that something like this won't happen in the Quihi area which is pristine ...I doubt if this would have even been reported if I had not requested TCEQ to be notified.....Vulcan bought the old Fulfer Quarry Plant and ten years ago We went to that quarry for a conveyor belt fire.....and worker told me at the fire that it had been leaking diesel for a long time(Just dripping on the ground) & into it.... I've seen Vulcan on a Sunday have a vacuum truck reversed and just blowing material and dust off their entrance.....It was so dusty it was like a fire and cars could not pass on fm 1283.....I had no camera but it was awful and illegal...& a week later they did it again.....a year ago a Lake Hills Fireman Gary Cook who has now died called us about a fire in Vulcan.....We could not located it.....it turned out to be equipment working at night and the dust was S like a fire.....SO I've done my time near the Quarries.....In fact I've risked my life.... Now I want to turn my report to the TRAIN VULCAN

proposes to bisect the county.....I was the only one at the courthouse meeting from Fire or EMS.....I spoke and said....."I want to put the Aquifer aside" MY CONCERN IS HOW ARE WE GONG TO GET EMERGENCY SERVICES FROM ONE SIDE OF THIS MILE LONG TRAIN TO THE OTHER SIDE? It's a valid concern...by emergency services.....I mean FIRE-EMS-LAW ENFORCEMENT..... No one had the meeting responded.....Except one man with a hat on that said VULCAN EQUALS JOBS and he said it won't take much time for train to pass.....and went on to show just how intelligent he was..... he had worked around asbestos all his life and it had never hurt him and did not believe it would hurt people...how ridiculous! Not long ago Cigarettes were not linked to CANCER and other medical problems.....He also said "there would be no train derailments on that seven mile spur" I said "we had a 22 car derailment not too many years ago at Dunlay leaking Hydrochloric Acid.....Fire Depts stayed back a mile.....Medina county deputies came from other side and climbed around on the train.....Medina County Judge David Montgomery drove up with his secretary who was the County Emergency Coordinator (With out one hour of Haz Mat training and they also drove past fire depts. Right up to the leaking tanks) so there's one derailment and then I mentioned the head on train derailment on 132 in Natalia.....so I said trains do and will derail.....Vulcan's attorney said "We have nine rail road crossings in Hondo and we don't have any problems." Medina County judge Jim Barden corrected him (and he was Mayor of Hondo) and said "We have EIGHT and we have a OVERHEAD crossing at sh 173 and highway 90.....Vulcan proposes no overhead crossings ...Just a grade level.....Without crossings we can NOT GET MUTUAL AID FROM ONE SIDE OF THE TRAIN TO THE OTHER.....AND PEOPLE WILL DIE AND PROPERTY WILL BE LOST. Vulcan may very well need Emergency Services themselves.....San Marcos Texas has been bisected by rail road track since I was a child at my grandfather's ranch... sixty years ago..just last month they finally got a OVER PASS.....and state officials including Senator Jeff Wentworth and others were there for this big change.....SOME ONE NEEDS TO COME UP WITH A PLAN FOR EMERGENCY SERVICES IF THIS TRAIN IS ALLOWED TO HAPPEN. I am a real estate broker.....I was the only one at first Quarry meeting from the real estate industry that spoke.....others involved with real estate did not show nor speak.....THEY WERE ALREADY BUYING EASEMENTS AND LAND FOR VULCANas licensed real estate broker I feel besides all the safety and environmental issues I have brought up in this letter.....that the VULCAN Quarry will tear the Heart out of Medina County.....I always disclose the Quarry potential when talking to buyers.....and they often tell me "the realtors never mentioned it to us!" I do.... I disclose it all....I send them to the website DON'T MESS WITH QUIHI .COM.....Too many have bought property only after closing to find out the Quarry is on the other side of their fence or nearby by.....and most would not have purchased their property had they had knowledge of the potential. Of The largest Quarry in Texas to be near them...& the TRUCKS AND TRAINS...I have a dirt pit next to land I own on fm 1283 near Rio Medina where I have my cows.....Had they left a buffer of just some trees on the fence line It would have been better but I had to get a lawyer to contact them as they were digging right up to my fence and of course they cut every tree down they could..... They had not been good neighbors.....so I own two tracts of land next to quarries.....It has destroyed my property values.....DESTROYED IT! NO ONE wants land next to a QUARRY I have no one YET call me and say we want to be near a QUARRY.....I'm sure a affected Party.....I did not speak at the meeting in Hondo at the Fair groundsThe acoustics were not audible.... I mentioned that after the meeting and TCEQ representative agreed and said the Applicant chose the site...Now that's par for the course.....a public important meeting and the Microphone was not audible and useless.....and yes Vulcan chose the site so they could have a barbeque for those they wanted to support them.....I nearly thought the barbeque was the meeting.....but those that went to be fed....were easy to identify.....they had VULCAN EQUALS JOBS caps and a TOOTHPICK IN THEIR MOUTHS. ...and were fat and full.....as far as jobs.....the prison that came to Hondo was supposed to bring jobs.....but all I see is three shift changes a day and everyone commuting back to San Antonio...every eight hours.....In closing You MUST ADDRESS GETTING EMERGENCY SERVICES FROM ONE SIDE OF THIS PROPOSED TRAIN TO THE OTHER..... If you don't.... people are going to die (and I see death & injured all too often)...It's nothing new to me to step out in a highway and put down

AIRLIFE....Too many people are dying from gravel truck wrecks....I had graphic photos.....I think I will enclose.....and one DPS TROOPER had me under the STB truck taking photos of defective (Missing brake pads) at the Fatality at Laurel Canyon Ranch Entrance on FM 1283. and I have movies of that STB truck limping back to Vulcan Quarry with tire missing...& bet rims..... even with the train there will be gravel trucks and on fm 1283 & FM 471 the trucks outnumber the cars.....and 950 trucks cross the intersection at fm 471 & SH 211...six weeks ago at Galm road two people died from a horrible gravel truck accident leaving three children without parents.....right at Galm road & FM 471 where COSA made contiguous all of Prop 3 land to protect the Aquifer.....and it was made contiguous with a mere 25 foot strip on the outside of GALM road to Government Canyon.....and COSA does not provide Emergency Services to what they annexed.....I can get nothing done with COSAI was told "we annexed that over four years ago" and I said "then don't you think it's time you started providing Emergency Services?" COSA's own Fire Dept urged them to not annex all of this land as Fire Dept can not handle it all"And the flooding the train will create.....there are so many issues.....I flat out asked Susan Crane that was in charge of buying PROP 3 lands to protect the Aquifer.....if she thought Quarries were good for the Aquifer? And she said "NO I DO NOT" she didn't care about fire etc. five years ago.....she told me "This is not about mother, apple pie etc.....it's about buying land and buying it quick" Since July Mico Fire Dept has responded to 42 calls.....I made 40 of them.....Jack Love Mico Fire Chief Post Office box 6301 Mico texas,.....78856 tel 830 612 2245 cell phone 210 415 4081.....I want a reply.....and I want the right thing to be done. Give me a little warning and I can show you what Quarries have done to Eastern Medina county.....I doubt if those reading this have ever even looked.....We can good look at the Fire at the Medina Crushed Stone Plant.....and I will show and tell you about the crosses on the road.....

There must be crossings overhead
for Emergency services to provide
from one side of the TRAIL to the
other Before permits are given

It 1993 Bexar Met Water sought to change BMA adjudicated water rights from irrigation to Municipal & industrial.....Medina Lake People formed Lake Medina Conservation Society.....and went to TNRCC. For six days hearing.....BMA had 66,000 af Bexar met sought to convert all of it "so they could be more flexible" We were not listened to by Mike Rogan Hearing Examiner.....He approved it.....We appealed to TNRCC.....which approved it in total once again.....after exhausting avenues with TNRCC.....We sued in Judge Paul Davis Court.....AND HE OVERTURNED TNRCC.....AND THEY WERE ONLY ABLE TO CONVERT 19,974 acre feet instead of 66,000 per year.....You have to go to District Court to make TNRCC/TCEQ do their job.....We did it.....I'm very afraid TCEQ has not done a good job on the Vulcan Quarry issue.....they never do.....look at the now Famous Helotes Mulch Fire.....Sincerely Jack Love.....

Jack L
JAN 25, 2007



Agency cites owner of mulch pile

Web Posted: 01/26/2007 09:49 PM CST

Jerry Needham
Express-News

TCEQ & STATE
HAVE NOW LET AQUIFER
BE POLLUTED &
FIRE IS FAR FROM
OUT. CAN I EXPECT
TCEQ TO PROTECT AQUIFER
WITH VULCAN?

The state's environmental agency has cited the owner of the burning mulch pile in Helotes with 13 alleged violations related to the heap, the subsequent fire and efforts to fight it, and at the same time officials have agreed on a plan to deal with it.

Among the claims that the Texas Commission on Environmental Quality made against Henry Zumwalt Recycling were: creating a nuisance condition; storing too much material; not having permits to operate a composting operation or to store compost; unauthorized burning of waste; three counts of air pollution; and no permit to discharge wastewater that subsequently contaminated two Edwards Aquifer wells.

A certified letter detailing the allegations was mailed to the recycling company's owner, Henry Zumwalt, on Tuesday , and officials released it Friday after confirming that he had received it.

Agency officials would not elaborate on matters under enforcement, but spokesman Terry Clawson said each of the violations is punishable by a penalty of up to \$10,000 per day.

The allegations apparently stemmed from an investigation that started early last year. The letter to Zumwalt said the agency never received adequate responses to a May 2006 letter about the amount of material the facility was recycling.

One of the allegations says the facility was not supposed to have more than 75,000 cubic yards of material on site but that Zumwalt estimated there was 171,000 cubic yards. That would be an alleged violation of the facility's bond posted with the agency to ensure proper closure of the facility in case of bankruptcy.

Another claim states that Zumwalt failed to ensure that all recyclable materials were properly covered, contained or managed to protect them from degradation, contamination or loss of value.

David Barton , attorney for Zumwalt, called the list of allegations "an outrage."

"It's purely retribution against him for filing a temporary restraining order and for being vocal about how bad this whole thing is being run," he said. "They know they aren't going to collect on this because of the things that have gone wrong. They know that these allegations are not going to get them any closer to that. It's just retribution."

When the state agency on Jan. 9 halted Zumwalt's 10-day effort to put out the fire with his own crews and equipment and brought in its own contractor for \$1.75 million , Zumwalt filed a lawsuit. His aim was to gain access to the remainder of the property, to keep the state from using chemicals on the fire without the approval of the Edwards Aquifer Authority and to try to keep the agency from charging him

for the state's efforts, Barton said.

In contrast to Zumwalt's use of minimal water, the state contractor began dousing the fire with massive amounts of water and, less than a week later, two Edwards Aquifer wells began to show contamination with fire residues, prompting a halt to firefighting efforts on Jan. 18.

Officials with the state environmental agency say they commonly seek reimbursement from the property owner for taking care of environmental problems on their land. But Zumwalt's attorneys say the fire apparently was started by an arsonist and that, when no public agencies would assist, he was attempting to extinguish it with his own resources when the state forcibly intervened.

Meanwhile, officials late Friday agreed on a plan to tackle the smoldering pile, estimated at 700 feet long, 250 feet wide and 80 feet tall, Clawson said. The contractor will begin soon to construct a clay-lined quench pit and sluice, he said. The burning material will be pulled into the pit where it will be doused and the firefighting water captured, he said, adding that plans call for the fire to be out by the end of February.

Although the facility is registered with the state agency as a recycling facility, the agency alleged that it violated elements of the state's landfill rules and that it also should have registered as a composting facility.

"He used the word compost in a conversation probably," Barton said. "But they know, or should know if they'd read their own rules, that this does not qualify as a composting operation."

"The 13th charge they've got in there is that he failed to prevent the unauthorized discharge of wastewater from his property," Barton said. "They won't even let him on the site. The wells that were fouled were fouled because of the water being put on there by Oil Mop (the contractor)."

jneedham@express-news.net

Online at: http://www.mysanantonio.com/news/metro/stories/MYSA012707_01A.helotes.22178b1d.html

13 Violations
TCEQ Now
Files As The
Aquifer is Being
Polluted

Jack Love

TCEQ Report

From: Cameron Lopez [CLOPEZ@tceq.state.tx.us]
Sent: Monday, November 13, 2006 4:32 PM
To: Alan Jones
Cc: Abigail Power; Cameron Lopez; Craig Meppen; Henry Karnei; James Bard; Jozaier DuGlas; Jorge Salazar; Leo Butler; Melissa Story
Subject: Spill Notification- Fire, Asphalt Plant, 16385 FM 1283, Mico, 11/11/2006

* Thanks for the report Alan. I couldn't find any registration for a 10K gallon AST of diesel at that location. Might be something to look at.
No release of regulated materials appears to have occurred during the incident. No further action by the TCEQ is warranted at this time.

>>> Alan Jones 11/13/2006 11:08 AM >>>

Hastings #543 - 11/11/06 at about 10:15. Sue Mateljan, 830-741-6153, Medina County Sheriff's Office, reported am fire at asphalt plant, 16385 FM 1283, Mico. Foam and water used on fire. ASTs had been endangered. San Antonio Fire Department also responded. No release to land or water. AGJ called Ms. Mateljan at about 10:20. Fire this am extinguished. Tanks not affected.

TCEQ Had NO
Registration
of
10K Diesel
TANK

1/12/2007

TCEQ Incident Report
 OTHR Fire Medina 13 11/11/2006 8:40:00 AM

IncidentNum	ReportTakenBy	ReportDateTime	Drill Training	IncidentDateTime
	543 LBROWN	Saturday, 11/11/2006 10:03		Saturday, 11/11/2006 08:40
IncidentType	IncidentTypeOther	Emerg	Call Back	ReportedBy
OTHR	FIRE	☒	☒	SUE MATELJAN
ReportingPartyAffiliation	ReportingPartyPhone	ReportingPartyPhoneType	ReportingPartyOtherPhone	
MEDINA COUNTY SHERIFFS	8307416153	WORK	8307416150	
ReportingPartyOtherPhoneTy	SpillEnvironment			
WORK	LAND			
IncidentCause	FIRE WAS CALLED IN AT THE ASPHALT PLANT. THEY ADVISED THAT THEIR IS A 10,000 GALLON TANK OF DIESEL AND BUTTER FUEL, 1,000 TANK OF REGULAR DIESEL AND 1,000 GAL TANK OF PROPANE IS IN DANGER. CAUSE IS UNDER INVESTIGATION			
IncidentLocatio	16385 FM 1283			
IncidentCity	IncidentZIP	IncidentCounty	IncidentRegion	
MICO	78056	Medina	13	
Material Spilled	NONE			
MaterialQuantity	WaterBodyName	OffSiteImpacts		
N/A	N/A	NONE		
InjuriesOrFatalities	NONE			
AuthoritiesOnSite	FIRE DEPARTMENT			
CleanUpMeasuresTaken	FIRE WAS OUT AT 9:24. ONE OF THE ASPHALTS TANKS IS AT 325 DEGREES. THEY ARE TRYING TO MOVE THE ASPHALT TO ANOTHER TANK. USED FOAM AND WATER TO DISTINGUISH FIRE.			
ResponsiblePartyFirm	ResponsiblePartyAddress	ResponsiblePartyCity	ResponsiblePartyState	
UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	
ResponsiblePartyZIP	ResponsiblePartyContact	ResponsiblePartyPhone	ResponsiblePartyPhoneTy	
	UNKNOWN			
Comments				
HSKeywords				
Fire				
ClearedByResponder		ClearedDateTime		
ALLEN JONES		11/11/2006 10:19:46 AM		

Texas Oil or Hazardous Substance Discharge or Spill Report

Report Number: 20063857

Is this a Drill? NO

Report Taken By: JSAEZ

Date: 11/11/2006

Time: 0951

Agency(s) to be Notified: NONE

Reporting Party Information:

Reported By's Name	Reporting Party Affiliation	Incident Date	Incident Time
SUE MATELJAN	MEDINA COUNTY SHERIFF DEPT	11/11/06	0843
	Contact Number	Other Phone Number(s)	
	(830) 741-6153	8307416150	

Material(s) Discharged or Spilled:

Material(s)	CAS/UN Number	Amt Spilled	Unit
OTHER-FIRE		0.00	unk
		0.00	
		0.00	
		0.00	
		0.00	

Discharge or Spill Location:

NON COASTAL:

- ☒ Land Release Only?
☐ Threatens or Entered water:
☐ COASTAL: Threatens or Entered water:
☐ Air Release, no impact to water

County
Medina

Origin
Fixed Non E & P Facility

Receiving Water: NONE

Amount in Water: 0

Units:

Incident Location / Driving Directions:

16385 FM 1283, MICO TX 78058

RRC Lease Number:

RRC Lease Name:

RRC Field Name:

RRC Land Owner:

Description of Incident, Cause, Impact, and Response:

CAUSE IS FIRE WAS CALLED IN AT THE ASPHALT PLANT AND THEY ADVISED THAT THERE IS A 10,000 GALLON TANK OF DIESEL, 10,000 GALLON TANK BUTTERFUEL, 1,000 GALLON TANK OF REGULAR DIESEL AND 1000 GALLON TANK OF PROPANE WAS IN DANGER. THE FIRE WAS OUT AT ABOUT 09:24. ON OF THE ASPHALT TANKS IS AT 325 DEGREES AT TIME OF THIS REPORT, THEY ARE TRYING TO MOVE THE ASPHALT TO ANOTHER TANK. IMPACT IS LAND. FOAM AND WATER WAS USED TO DISTINGUISH FIRE TWO MEDINA COUNTY FD ARE ON SCENE AND A SAN ANTONIO FD IS ON SCENE.

Others Reporting Party Notified:

Agency	Who	Where	Date	Time
N/A				0000
				0000
				0000

* Party Responsible for Discharge / Spill:

Firm or Municipality: UNDER INVESTIGATION

Street or P.O. Box:

City:

State:

Zip Code:

Contact Person:

Phone:

Comments:

Emergency Hotline Phone Notifications:

Agency	Who	Where	Date	Time
TCEQ	OPERATOR LASH	REGION 13 SAN ANTONIO	11/11/2006	1001
				0000
				0000

SA Fire
Did NOT
Respond

MICO fire, CASTROVILLE FD

GEMINO VILLAGE

FD



Carlos Guerra: With San Antonio's rapid growth, environmental safeguards critical

Web Posted: 01/22/2007 11:03 PM CST

San Antonio Express-News

One month later, the Great Helotes Mulch Fire is still a dangerous health hazard to some while making the lives of many others absolutely miserable.

And many now see that this is about more than smoke, like those who wrote to agree with Helotes Mayor Jon Allan's observation that the fire isn't "an isolated case; it's just a very big one."

Initially, I thought we were lucky it was only wood burning — and not a big-box home-improvement store packed to the gills with a cornucopia of hazardous materials.

But after seeing its size, I realized that suffocating it with dirt is impossible, and pouring water — and chemicals — could further pollute the aquifer.

"I hope someone is checking pH levels," a reader wrote, because lye is made from water and wood ash.

Others pointed out that possible arson aside, composting often produces spontaneous combustion, which is why piles should be kept small and easy to isolate.

But many readers also blamed misguided notions about property rights for keeping Texas' environmental protections very weak.

"There must be a balance between (Texas') laissez-faire regulatory approach and the extreme environmental red tape," one reader said. And property rights, wrote another, can't trump public health.

Asked if it is time to regulate activities that might endanger San Antonio's principal water source more effectively, Edwards Aquifer Authority head Robert J. Potts said stronger rules are coming.

Until now, EAA has focused on water quantity regulation, he said, but now, water quality regulation is being developed.

"We have been gradually developing our oversight and our regulations," Potts continued. "We're first making sure that wells are properly constructed and maintained because they're direct conduits into the aquifer," and regulations on underground storage tanks are already in place.

Also in the works are rules governing "hazardous materials that are stored over the aquifer, and making (their owners) have emergency plans so you don't have people trying to figure out what to do" after accidents happen.

But the EAA must also define its "role vis-à-vis (Texas Commission on Environmental Quality); whether to partner more with them or just be in a support role," he said. "They have extensive rules but they don't have the staff to really enforce them, or even monitor them over the recharge zone." But TCEQ turned down the EAA's offer to monitor state regulations in the Edwards region.

San Antonio's rapid growth is now making the security of the Edwards much more critical.

"It's the goose that lays the golden eggs, and it's our job to make sure we don't try to get more gold than it can produce and that we also don't poison that goose," Potts said. "That is why we have these rules in development now to require (potential polluters) to register with us, and have a plan for fighting these kind of fires."

But regulation can't stop with composters; it must also address many other potential hazards.

When asked if big-box home improvement stores can be kept out of the recharge zone, Potts said plainly: "No. It would be best if they weren't there at all, but we can't stop them now, so we want to be darned sure that they are prepared for a catastrophe."

And storage tanks over recharge areas weren't entirely banned, he explained. It is only new tanks over the aquifer that are banned.

"The ones already there only have to be upgraded," he said, "but they are allowed."

And if you still don't believe it is time to stiffen protections of San Antonio's principal water source, consider something else Potts said: "Even under the most aggressive plans to diversify (water sources), the Edwards will always be (San Antonio's) major source of water."

To contact Carlos Guerra,

call (210) 250-3545 or e-mail cguerra@express-news.net. His column appears on Tuesdays, Thursdays and Saturdays.

Online at:

http://www.mysanantonio.com/news/columnists/cguerra/stories/MYSA012307.01B.Guerra_1aba768.html



Ken Rodriguez: County fire marshal's office said Helotes compost couldn't burn

Web Posted: 01/20/2007 10:19 PM CST

San Antonio Express-News

In the haze of rising smoke and falling ash near Helotes, one lesson has become clear: State and county authorities flunked Fire Prevention 101.

Nineteen months before a mountainous heap of compost began burning, an inspector from the county Fire Marshal's office said the 60-foot high pile could not burst into flames.

"There is a recurring complaint about that place (on Henry Zumwalt's property), but it is not a fire hazard at all," inspector Kevin Walton told Express-News reporter Amanda Reimherr on June 22, 2005. "The pile is about 75 percent dirt, so that prevents any fires."

The heap that couldn't catch fire has been burning since Christmas, 28 days ago.

The heap that posed no hazard has water experts fearing soot contamination in the Edwards Aquifer.

The heap that threatened no one has shut down schools and sent choking residents to doctors' offices and hotels.

That a fire inspector did not see this coming appalls. That the Texas Commission on Environmental Quality missed a warning sign six stories high astounds.

On repeated visits to the compost heap over nine years, TCEQ investigators saw no danger, found no violations.

Here's one reason why: The agency charged with regulating compost heaps has no restrictions limiting the size of those heaps, according to TCEQ San Antonio area director Richard Garcia.

Amazing. Some experts on compost fires say piles should be restricted to 12 feet in height. At the very least, all say piles must be small enough to be turned over regularly. Otherwise, spontaneous combustion can occur.

The mountain near Helotes — 60 feet high, more than 400 feet long — cannot be turned. It couldn't be turned 19 months ago when it was bigger.

Those who have fought compost blazes cite another problem. The slope of the pile is too steep and flat, like that of a sail. That's another factor that made it likely to catch fire.

"This would be a good example of what not to do as far as a pile goes," one firefighter says. "It's super

high with almost vertical sides. It was a fire waiting to happen. ↙

"The height of a pile like this should be regulated by a state agency. Then it's all about sloping. This pile appeared to be out of sync with most piles we've worked. It's the highest in elevation."

Henry Zumwalt contends an arsonist ignited the mountain-like pile that sits on his property. Fire investigators haven't determined the cause.

However it started, area residents are hot. They've pleaded for years with authorities to recognize the Zumwalt pile as a fire hazard.

* Walton, the fire inspector, dismissed the warnings. No fire is possible, he concluded. Asked to explain that assessment on Thursday, Walton referred me to his boss, County Fire Marshal Orlando Hernandez. Hernandez did not return messages.

As for TCEQ, the agency says Zumwalt claimed to run a recycling operation, not a composting operation. On multiple visits, investigators checked the recycling business for possible violations of TCEQ codes. In searching for dotted i's and crossed t's, investigators missed a 60-foot fire hazard staring them in the face.

How was that possible?

Garcia, the San Antonio area TCEQ director, says that's a good question, but he doesn't offer an answer. The agency, he says, has reviewed every visit it made to the Zumwalt property. TCEQ has investigated itself.

And guess what? Garcia says as far as he can tell, TCEQ followed the letter of its law. The agency's reputation may be scorched, but hey, its hands are clean.

Call Ken Rodriguez at (210) 250-3369 or e-mail krodriguez@express-news.net. His column appears on Sunday, Wednesday and Friday.

Online at:

<http://www.mysanantonio.com/news/columnists/krodriguez/stories/MYSA012107.01B.Rodriguez.1a628da.html>

American society is obese enough and that includes all the fatheads.

The latest announcement that the fire may not be out until the end of February bodes ill for we residents. I guess we'll continue to be blamed for gross, bad business practices and glaring mistakes by government to protect citizens in more areas than national security.

Ah, politics, we can't live with it or without it. Nowadays, I wish we could!

Posted by: Greg Melikov at January 28, 2007 04:56 PM

At least 5 of the 13 allegations in the letter are after-the-fact attempts to get cost recovery for the state's fire response through an enforcement action, rather than an order with notice and time to cure to Mr. Zumwalt that he would have then been found in violation of. Note that the latter situation never happened in this case. The problem with trying to do it now through an enforcement action is that the state has already taken over the property, and there is still no opportunity for Mr. Zumwalt to cure the purported "violations" from the fire itself. Thus, TCEQ still has no authority to collect anything from him, in terms of response costs for the fire, through this after-the-fact enforcement action.

The enforcement action is just theater by TCEQ and its lawyers which the Express-News is lapping up. TCEQ knows it will not be able to bring a cost recovery action in court, which would be their normal remedy had they followed their procedures, come in early on, issued the order to Mr. Zumwalt, and then made a real assessment of how this fire should be fought instead of cowboying-up, stomping in, and doing exactly what they alleged Mr. Zumwalt would do, which is pollute the groundwater. Because they know they will not be able to bring a cost recovery action in court, the enforcement action is another c.y.a. action by the state and its attorneys who counseled this whole ridiculous sequence of events, to try to look like they are pursuing cost recovery and to try to wring some lesser amount of money out of Mr. Zumwalt through a settlement.

I predict it is not going to happen, because TCEQ now has zero credibility and continues to misrepresent the scope of their authority, which is what caused this whole mess in the first place: 1. They didn't follow the law and take the steps they could have taken up front to more closely monitor this operation and alleviate any size concerns; 2. They didn't follow the law in responding to the fire, and in the process screwed the pooch on the aquifer; 3. Now they are trying to act beyond the law in order to cover themselves for failing on 1 & 2. They are trying to spin it as "justice" by misrepresenting their cost recovery authority to satisfy some vengeful people, and in the process shift the blame for and cost of their failures on 1 & 2 to a private citizen. When the state doesn't follow the law on cost recovery, the state pays, end of story.

Posted by: Greg Melikov at January 28, 2007 04:56 PM

Posted by: Randy Mangum at January 28, 2007 07:51 PM

Why did the state (TCEQ) wait until after the fire started to cite the property owner for the 13 citations? If the state would have acted sooner, this mess could have been avoided. Now the tax payers will not only have to pay the bill to put the fire out, but those of us who live nearby have to deal with the effects of the fire. Why don't you elected officials do what you're supposed to do and quick turning away from the situation? Why is no one held accountable for this? MESSAGE TO THE TCEQ: THE QUALITY OF MY ENVIRONMENT STINKS!

Randy Mangum
Helotes, Texas

Posted by: Randy Mangum at January 28, 2007 07:02 PM

I'm a bit upset reading all the negative comments about residents of Helotes in relation to Mulch Mountain and the fire that wouldn't go out.

The fault lies with state and county officials for letting the property owners do as they desire for so long. It's up to government to enforce regulations -- not private citizens like myself who has lived here nearly six years. I dare say there isn't a hill as high south of Bandera.

The printed letters to the editor of late have bashed us for allowing Mulch Mountain. One of the letters was downright off base.

William Shakespeare must have had the author of ?Now Helotes gripes?? in mind when he wrote: ?Lord, what fools these mortals be.?

The woman complained she was tired of hearing ?about the Helotes fire every morning, afternoon and night on the news.?

Well, news can be tiresome, but some news, mostly bad, lingers on like the Iraq war. But it is important to be informed than remain in the dark.

And Mulch Mountain is news, mainly because the fumes are dangerous to the health of many children -- so much so that Helotes schools were forced to close to a bit and transfer students to other facilities out of harm's way.

Martin Luther King Jr. surely had this griper in mind when he wrote: ? Nothing in all the world is more dangerous than sincere ignorance and conscientious stupidity.?

? . . parents are concerned because their children are missing recess,? she continued. ?(When did recess become an academically necessary course?)?

Lunch isn't either nor study hall. I'm sure parents would love to have their siblings return home after a hearty meal, and sit in front of the TV or computer without burning off some steam.

January 27, 2007

Mulch pile citations

What's your opinion on the citations issued to the owner of the burning mulch pile in Helotes? Did the state do enough or too little?

Story: Mulch-pile owner faces 13 counts

Editor's Note: MySanAntonio.com reserves the right to reject or edit content deemed inappropriate. This forum is for civilized discussion.

I have lived in Helotes for over 42 years and use the farm road 1560 quite frequently and have watched that mulch pile grow and wondered what the heck any one could do with that. I am willing to bet that more than most people around Helotes didn't even know it was there, let alone consider it a danger to any one. If there were laws, rules, regulations etc, against such a pile, why haven't they been enforced before? I don't know the owner of that small mountain but I think he is being persecuted. Well, any way, getting a raw deal.

Posted by: Don at January 28, 2007 07:56 PM

I've been a Helotes resident for the past decade. I too have seen the pile (call it what you'd like) grow over the years. I will not get into the "Monday Morning Quarterback Mode" - - we (all citizens of Bexar County, not just Helotes or San Antonio) have a problem that must be resolved and must take action to avoid a repeat in the future. But, to alledge the fire was started by "...students at O'Connor High School...", it an outright injustice to a Campus that has quickly (less than 7-years) set some pretty lofty standards in FFA, Drama, Debate Team, Academics, Athletics, and has both a student body and faculty that any community would be proud to call their own.

Let me qualify this statement, we have a son the graduated in 2005. What we experienced during the four years at O'Connor was an absolute joy; parental support, teachers and administrators that were genuine in their chosen fields, coaches that weren't just about the score, and students that are proud of their school and what they - the students - represent to their community. So why print or be quick to "alledge" - - kids from O'Connor High School? Any one of "those" kids are smart enough to have crawled through the barb wire fence, rather than cut the lock (the same lock that later was deemed cut by responding emergency crews). There are approximately five middle schools and one other high school within a three mile radius of the fire. What is the possibility of a disgruntled employee, having set the fire? And, I may stand corrected (I am not a fire expert) but even the most sinister group (kids or adults) would have had a very difficult time setting fire to the pile (consideration of it's description, 50% dirt, etc.), regardless of ignition source. That said, let focus on the issue at hand - putting out the fire, while maintaining a vigilance on our water source, and enforcing rules that will avoid another such disaster in the future.

It's his property he should be held responsible.
Every one is.

Posted by: June at January 28, 2007 12:30 PM

I have been watching your reports of the mulch fire in Helotes. I have two major concerns.

First, why is it not publish or announced the \$25,000 reward being offered by Mr. Zumwalt for information leading to the arrest and prosecution of the arsonist(s) who started the fire?

Second, people are ready to point fingers, however, they are not allowing Mr. Zumwalt to do his part to put the fire out. When the fire was first set, Mr. Zumwalt felt that it would take 45 days to extinguish. Last week, after Oil Mop failed in their efforts and caused contamination to nearby wells, Mr. Zumwalt offered TCEQ that he would put the fire out in 10 days for \$200,000 plus a \$5,000 bonus if he put the fire out on time or before or he would pay \$5,000 to TCEQ if he didn't put the fire out within 10 days. They turned him down. Now, he is not allowed on the property nor allowed to participate in extinguishing the fire while others are tearing up his land and not accomplishing the mission. The TCEQ at first stated that Mr. Zumwalt was in complete compliance with all licensing and regulations. Now that they are being pressure for their miserable failure they have trumped up 13 counts of violations. Since Helotes Volunteer Fire Department was not capable to deal with the magnitude of the fire I feel Mr. Zumwalt should be given every opportunity to extinguish the fire himself since he apparently is going to be the person the public wants to hold accountable.

Gary W. Cox

Posted by: Gary Cox at January 27, 2007 11:08 PM

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