

January 22, 2010

Mr. John Hoyt
Edwards Aquifer Authority
1615 N. St. Mary's St.
San Antonio, Texas 78215

Dear Mr. Hoyt,

Please accept to following comments from the Greater Edwards Aquifer Alliance (GEAA) in response to the questions put before the Water Quality Advisory Group regarding the impervious cover regulatory concept.

The 47 conservation, civic, neighborhood, religious, and professional groups that make up the Greater Edwards Aquifer Alliance (GEAA) have endorsed the following position on Impervious Cover (IC) limits as part of GEAA's Edwards Aquifer Protection Plan¹. The Plan recognizes that current growth patterns and ever increasing consumption and pollution of water and land threatens to ruin the Hill Country within a few short years unless action is taken.

In 1997, 37 scientists, engineers, planners, and other experts endorsed "Protecting the Edwards Aquifer: A Scientific Consensus," a report documenting overwhelming scientific agreement that the only reliable way to prevent pollution of the Edwards Aquifer is to steer urban development to the east and downstream of the recharge zone. Any development that is allowed in the Edwards Aquifer watershed should be required to limit impervious cover (roads, parking lots, buildings, and any other surface that prevents rainfall from percolating in to the ground) to no more than 10 or 15 percent of the developable land. Other necessary measures include requiring development setbacks (or "buffers") from streams and recharge features; prohibiting commercial activities that generate or require significant quantities of hazardous chemicals; and strictly limiting non-native, chemical-demanding landscaping.

We approve of the Hazardous Materials regulations and other measures previously adopted by the EAA to protect water quality, and hope that the EAA Board will approve a full complement of methods that will result in adequate protection of this precious resource, including limiting impervious cover as proposed.

Impervious cover limits are an essential tool in efforts to preserve the natural quality, quantity, and timing of flow into streams and springs. We recommend an impervious cover limit of 10% of net site area in the recharge zone (RZ) and 15% of net site area in the contributing zone (CZ). Net site area should be defined as all land with slopes less than 15% outside of stream or Critical Environmental Feature (CEF) setbacks, golf

¹ Complete copies of GEAA's Edwards Aquifer Protection Plan, and the Scientific Consensus Paper upon which it is based, can be furnished upon request or accessed from the document section of our web site at www.aquiferalliance.org/AquiferAllianceWebUtilities/LibraryMemberGroupResources.aspx

courses, managed turf, and effluent-irrigated land. All building and transportation features except pedestrian walkways and bicycle trails shall be considered impervious.

Given the dependence upon the Edwards for potable water, we believe that limiting IC within the RZ and CZ as described in the Concept Memo will serve as an incentive to direct intense development downstream of these environmentally sensitive areas. Well-managed, compact growth in less sensitive watersheds is both fiscally responsible and environmentally sustainable.

Further, we believe that requirements for projects that would not be regulated under Authority rules are consistent with Chapter 245 requirements, and should not subject the EAA to the burden of legal battles, as has been posited by some parties engaged in this process. Although application of the code is interpreted by some to protect projects based on preliminary plans sometimes more than twenty years old, we believe that such arguments represent an unconstitutional abdication of government power, an unconstitutional delegation of legislative authority to private persons, and a violation of the right to clean water found in Article XVI, § 59 of the Texas Constitution.

We believe that these recommendations are minimum requirements for long-term protection of the Edwards Aquifer. Additional measures may be needed to address particularly sensitive watersheds or circumstances, or to prevent drinking water or stream standards violations. These regulations alone, without large-scale park, preserve, easement, and open space acquisition will not ensure water protection and survival of the Edwards Aquifer.

Thank you for the opportunity to submit these comments.

Sincerely,



Annalisa Peace
Executive Director