

Alamo Group of the Sierra Club
Aquifer Guardians in Urban Areas
Austin Regional Sierra Club
Bexar Audubon Society
Bexar County Green Party
Boerne Together
Cibolo Nature Center
Citizens Allied for Smart Expansion
Citizens for Protection of Cibolo Creek
Environment Texas
First Universalist Unitarian Church of
San Antonio
Friends of Canyon Lake
Fuerza Unida
Government Canyon Natural History
Association
Hays Community Action Network
Helotes Heritage Association
Helotes Nature Center
Hill Country Planning Association
Guardians of Lick Creek
Kendall County Well Owners Association
Kinney County Ground Zero
Medina County Environmental Action
Association
Northwest Interstate Coalition of
Neighborhoods
OST 100
Preserve Castroville
Preserve Lake Dunlop Association
Preserve Our Water-Blanco County
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
SEED Coalition
Solar San Antonio
Sisters of the Divine Providence
Smart Growth San Antonio
Texas Water Alliance
Travis County Green Party
West Texas Springs Alliance
Water Aid – Texas State University
Wildlife Rescue & Rehabilitation
Wimberley Valley Watershed Association

April 6, 2011

House Committee on Environmental Regulations
Representative Wayne Smith, Chair
Representative Jessica Farrar, Vice Chair
Representative Jose Aliseda
Representative Lon Burnam
Representative Warren Chisum
Representative Kelly Hancock
Representative Ken Legler
Representative Lanham Lyne
Representative Ron Reynolds

Re: HB 3037

Thank you for the opportunity to present these comments on behalf of the Greater Edwards Aquifer Alliance. The Greater Edwards Aquifer Alliance unites 47 organizations behind a comprehensive plan to protect the Edwards Aquifer, its springs, rivers and streams, flora and fauna, and the Texas Hill Country. It is the consensus of all 47 of our member organizations, which span 21 counties in Central and South Texas, to oppose this legislation. Collectively, our groups represent approximately 25,000 Texans.

Working as I do with our member organizations and individuals from throughout our region, I feel that this legislation will not serve the people of Texas well. Because Texas does not empower land use or zoning authority at the County level, contesting permits granted by TCEQ is the only recourse available to citizens residing outside of municipalities. Even the simple powers of governing incompatible land uses are currently denied Texas Counties.

The fact that, over the past six years, so many of our member groups and individual members have engaged in contesting TCEQ permits - by which action they have committed themselves to raising hundreds of thousands of dollars, collectively, in fighting permits that will negatively impact the value of their homes and properties, their health and well being - attests to the value and necessity of a fair contested case hearing process as a venue of last resort for thousands of Texans.

Over the past six years, GEAA has helped Texans in Mico, Quihi, San Geronimo Valley, Blanco, La Coste, Bandera County, Helotes, Comal County, Hays County, San Marcos, Wimberley, San Antonio, Boerne, Lick Creek, Castroville, and Medina County, in contesting permits for projects that would devalue their water supplies and their properties. Overwhelmingly, they are contesting waste water discharge permits and air emissions permits. Most actions to contest permits that we have been involved in have been for projects in rural areas, because citizens of these areas are denied local governments empowered to prohibit bad projects on their behalf.

All too often, GEAA, our member groups, and individual citizens have been required to contest permits for projects that should have never been granted in the first place. We have seen TCEQ issue permits based upon faulty modeling and false information. Permits to applicants who have a long history of non-compliance with TCEQ regulations.

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Permits for projects that pollute our surface and groundwater. Permits for projects that would result in the degradation of our natural resources. The agency is underfunded, understaffed, and under pressure to grant permits in compliance with a timeframe that does not favor thorough review. Mistakes do happen. Texans rely on the right to contest permits that impact their property and well being. Please do not compromise or deny them this right.

We always hear that Texas is a property rights state. But, from what I have seen, individual property owners are extremely disadvantaged under state law when it comes to asserting their rights as property owners. Please do not curtail their rights further by adopting changes to the contested case hearing process as this bill calls on you to do.

We urge you to deny passage of HB 3037. We hope that you will consider GEAA as a resource at your disposal, and feel free to call us with any questions or concerns you have regarding issues that impact our water resources. We look forward to working with you during the 82nd Legislative session to preserve and protect our groundwater resources, and the Texas Hill Country that sustains them.

Respectfully,



Annalisa Peace
Executive Director
Annalisa@AquiferAlliance.org
210-320-6294

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