

Alamo Group of the Sierra Club
Aquifer Guardians in Urban Areas
Austin Regional Sierra Club
Bexar Audubon Society
Bexar Green Party
Boerne Together
Cibolo Nature Center
Citizens Allied for Smart Expansion
Citizens for the Protection of Cibolo Creek
Environment Texas
First Universalist Unitarian Church of
San Antonio
Friends of Canyon Lake
Friends of Government Canyon
Fuerza Unida
Green Party of Austin
Hays Community Action Network
Headwaters Coalition
Helotes Heritage Association
Helotes Nature Center
Hill Country Planning Association
Guadalupe River Road Alliance
Guardians of Lick Creek
Kendall County Well Owners Association
Kinney County Ground Zero
Medina County Environmental Action
Association
Northwest Interstate Coalition of
Neighborhoods
Preserve Castroville
Preserve Lake Dunlop Association
San Antonio Audubon Society
San Antonio Conservation Society
San Geronimo Nature Center
San Geronimo Valley Alliance
San Marcos Greenbelt Alliance
San Marcos River Foundation
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
Texas Water Alliance
Water Aid, Texas State University
West Texas Springs Alliance
Wildlife Rescue & Rehabilitation
Wimberley Valley Watershed Association

July 18, 2012

Marc Friberg
Public Policy Officer
Edwards Aquifer Authority
1615 N. St. Mary's Street
San Antonio, TX 78215

Dear Mr. Friberg, Staff, and Members of the Edwards Aquifer Board,

The comments to follow are submitted on behalf of the fifty-one member organizations of the Greater Edwards Aquifer. The comments address the Edwards Aquifer Authority's draft proposed rules regarding Aboveground and Underground Storage Tanks, and the Storage of Regulated Substances, the prohibition of PAH sealants, and other proposed new rules.

All members of the Greater Edwards Aquifer Alliance (GEAA) are delighted with and fully support the proposed ban on using PAH (coal tar) sealants to pave streets and parking lots on the Recharge Zone and sections of Contributing Zone. If the Edwards Aquifer Authority (EAA) approves this new rule (Section 713.803), it will join other cities and states in efforts nationwide to keep this pollutant out of our water supplies. This prohibition will greatly complement and enhance the work being performed through the Edwards Aquifer Recovery Implementation Program to protect threatened and endangered aquatic species at Comal and San Marcos Springs. Attached is additional information in the form of a fact sheet that GEAA distributes regarding the use of these sealants. We strongly urge that this rule be approved.

GEAA supports the definition of the Contributing Zone as revised in sections 713.401 and 713.501 to remove the exclusion of a portion of Cibolo Creek.

Regarding Section 713.609 (c), GEAA is concerned that the requirement to provide financial assurance for entities that store hazardous materials on the aquifer has been removed. We strongly support requirements for financial assurance sufficient to clean up any damage caused by spills, leaks, or fires to be provided by all entities that operate AST's and UST's on the ERZ. The public should not have to assume the cost of clean up, nor should public agencies be required to go to court to recover clean up costs.

It appears to GEAA that Section 713.619 (Transfer of Recognized Capacity of AST's and UST's) would grandfather the storage capacity of tanks that have been unused for many years, or even of tanks that no longer exist. We are concerned that the adoption of a "cap and trade" program operating under the proposed rules would result in an increase in the amount of regulated substances that are stored over the ERZ. We oppose the transfer of UST capacity in favor of leaving the current prohibition of UST's in effect as is.

If some form of capacity transfer is adopted, it should be done in such a way that will not result in a net increase in the amount of regulated substances stored over the ERZ, but will serve to decrease the same over time. These objectives could be achieved by allowing transfers only from tanks that are currently in use, and by allowing only a portion (e.g. 80%) of the tank's recognized capacity to be transferred.

GEAA supports rules that would require secondary and tertiary containment for hazardous materials stored on the aquifer (Section 713.633). This rule provides added assurance that contaminants will not pollute the Aquifer. These containment requirements, however, should not be relied on as a failsafe in protecting the Aquifer from spills and leaks. Though this rule will provide added security against leaks and spills harming the aquifer, the best plan is to prohibit and discourage the use and storage of hazardous materials on the Recharge and Contributing zones.

Thus, GEAA is very disappointed that the EAA is considering a rule change that would allow an unlimited number of Above Ground Storage Tanks (AST's) to be installed on the Edwards Recharge Zone (Section 713.607). If voted into effect, this new rule would certainly increase the amount of fuels and other hazardous material stored on the Recharge Zone (ERZ).

While some of our members believe that the current rule prohibiting the installation of new AST's on the Recharge Zone should be left in place, others are concerned about the risk represented by the increasing transportation of fuels and other hazardous materials over the ERZ by mobile refueling, and believe that AST's with secondary & tertiary containment are a reasonably safe alternative to mobile refueling.

There is consensus on the need to curtail fuel spills common to mobile refueling operations, and we are unanimously concerned that allowing for an unlimited number of new AST's will increase the amount of hazardous materials stored over the ERZ. We feel that rules for AST's should discourage businesses that require fuel storage from locating over the ERZ if that location is not essential to their operations, while regulating for the safest method of fuel usage for those businesses whose operation are dependent upon a location on the ERZ, as it is for limestone quarry operations. This could be done via a requirement for individual consideration and approval whereby applications for AST's are considered on a case by case basis, through a variance process, or through the levy of fees and assurances that would provide an effective disincentive to those whose operations do not require them to be located on the ERZ.

The board will recall that failure to approve an AST for the Methodist Hospital resulted in the use of propane to operate back up generators. The EAA needs to retain the right to prohibit or discourage any unnecessary storage of hazardous materials on the ERZ. GEAA recommends that the proposed rules for allowing additional AST's be revised to reflect the above stated goals.

Thank you for the opportunity to submit these comments. Please feel free to contact me at your convenience if you have any questions or concerns.

Sincerely,

Annalisa Peace
Executive Director