

Member Organizations

Alamo, Austin, and Lone Star chapters of the Sierra Club
Bexar Audubon Society
Austin, Bexar and Travis Green Parties
Bexar Grotto
Boerne Together
Bulverde Neighborhood Alliance
Bulverde Neighbors for Clean Water
Cibolo Center for Conservation
Citizens for the Protection of Cibolo Creek
Comal County Conservation Alliance
Environment Texas
First Universalist Unitarian Church of SA
Friends of Canyon Lake
Friends of Dry Comal Creek
Friends of Government Canyon
Fuerza Unida
Green Society of UTSA
Guadalupe River Road Alliance
Guardians of Lick Creek
Headwaters at Incarnate Word
Helotes Heritage Association
Hill Country Alliance
Kendall County Well Owners Association
Kinney County Ground Zero
Leon Springs Business Association
Native Plant Society of Texas – SA
Northwest Interstate Coalition of Neighborhoods
Pedernales River Alliance – Gillespie Co.
Preserve Castroville
Preserve Lake Dunlop Association
Preserve Our Hill Country Environment
RiverAid San Antonio
San Antonio Audubon Society
San Antonio Conservation Society
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
Signal Hill Area Alliance
Sisters of the Divine Providence
Solar San Antonio
Texas Cave Management Association
Trinity Edwards Spring Protection Assoc.
Water Aid – Texas State University
Wildlife Rescue & Rehabilitation
Wimberley Valley Watershed Association

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June 24, 2024

Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, TX 78753

Re: Groundwater Certification Requirements – Rule Project Number 2024-006-230-OW

Please accept the attached comments on behalf of the sixty member groups of the Greater Edwards Aquifer Alliance.

Greater Edwards Aquifer Alliance (GEAA). GEAA submits the following comments on behalf of our sixty member organizations. GEAA is a 501(c)(3) nonprofit organization that promotes effective broad-based advocacy for the protection and preservation of the Edwards Aquifer, its springs, watersheds, and the Texas Hill Country that sustains it. GEAA and its members' specific areas of concern are summarized in the following section of this letter.

Comments on the Proposed Rule. GEAA wishes to raise the following concerns:

Definitions are missing or inadequate: There are several terms within the proposed rule that are undefined, leading to uncertainty within groundwater conservation districts and local governments with platting authority and to increased risk to the long-term availability of groundwater supplies. The terms that need defining are as follows:

1. 230.4. "groundwater under the land will be the source of water supply"
 - a. It is unclear whether this rule is applicable only to subdivisions where groundwater is the sole source of water supply or to subdivisions where groundwater makes up just part of the water supply. GEAA recommends this phrase be in reference to subdivisions where groundwater makes up part of the water supply and is not restricted to subdivisions where groundwater would be the sole source of water supply.
2. "Credible evidence"
 - a. TCEQ should include a definition for "credible evidence" as it relates to the waiver requirements defined by LGC 212.0101(a-1)(1) and 232.0032(a-1)(1). The inclusion of a definition would add needed clarification. TCEQ should consider adopting the Texas Alliance of Groundwater Districts' definition for credible evidence:
 - i. *At a minimum, the results of an aquifer test demonstrating sufficient groundwater availability that was completed no more than 3 years before the date of the plat application within a ¼-mile radius of the proposed subdivision and was conducted in compliance with any applicable rules of any groundwater conservation district in which the proposed subdivision will be located and any other information required under the rules of such groundwater conservation district and the municipal or county authority, the municipal or county authority determines*

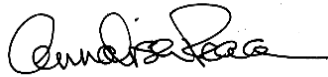
that sufficient groundwater is available and will continue to be available to the subdivision tract of land.

Updated models and analyses are not included: GEAA strongly supports using the best available science within the groundwater availability certification process. As such, GEAA recommends TCEQ insert language requiring the use of the most current TWDB-approved groundwater availability model during the certification process, prior to approval. GEAA also recommends TCEQ require a cumulative impacts assessment during the groundwater availability certification process, prior to approval. This impacts assessment should include an analysis of the cumulative impact of single wells across multiple subdivision lots and the impact of residential and non-residential development outside of the proposed subdivision on the availability of groundwater supplies.

Lack of consideration of sustainability. GEAA recommends TCEQ shift from a groundwater availability framework towards a groundwater sustainability framework. Multiple groundwater conservation districts and municipal and county government officials have expressed concern that availability does not equal sustainability and that under the existing and proposed rule, on the thirtieth year and one day, there may not be a water supply. GEAA echoes this concern and recommends TCEQ consider updating the proposed rule to better adopt a groundwater sustainability framework.

Thank you for the opportunity to submit these comments.

Sincerely,



Annalisa Peace
Executive Director
Greater Edwards Aquifer Alliance



Rachel Hanes
Policy Director
Greater Edwards Aquifer Alliance