

Comments to the Sunset Committee Regarding the
Texas Commission on Environmental Quality (TCEQ)
December 15, 2010

Any thoughtful citizen viewing the web site of TCEQ might conclude that this is a State Agency dedicated to protecting the quality of environment for those living, working and raising a family in Texas. How wrong they would be.

The Agency's web page, *About the TCEQ*, (<http://www.tceq.state.tx.us/about>) indicates there are about 3,000 employees in 16 regional offices and that it has a 2011 fiscal year operating budget of \$466 million. More than 87% of that operating budget comes from program fees, 8.6% of federal funds, and the balance from other sources. Only 3% comes from general revenues allocated by the legislature.

There is a huge disconnect between TCEQ personnel, their mission and the lives of those impacted by their decisions and inactions. TCEQ leadership has badly skewed the balance between protecting our environment and so-called economic development. This imbalance is reflected in the rank and file employees who have taken sides with those who TCEQ policy favors.

Here are just three examples from the many that can be cited.

Gross Conflicts of Interest

Woodcreek, Texas residents pay a base rate of \$160 before they ever turn on a tap thanks to AquaTexas! (Google Aqua America to see just how lucrative this water business is for AquaTexas.)

The other water company in the Wimberley/Woodcreek area charges a \$25 base rate.

This price-gouging behavior by AquaTexas is made possible by the TCEQ regulators and AquaTexas was very clever when they planned how to deal with our water laws here in Texas.

Their main man on the ground is Brent Reeh. He just happens to be married to Patty Reeh, TCEQ director for the very region her husband is subject to her regulations. When AquaTexas goes to the TCEQ to get these exorbitant rates approved, well, Mr. Reeh really just has to roll over in bed and request his rate increase across the pillow.

Belterra Permit Amendment to Discharge Treated Wastewater into a Pristine Stream

Despite overwhelming scientific evidence and expert testimony, and ignoring recommendations of the SOHA judge, the TCEQ Executive Director approved the Belterra utility district amendment application to switch from subsurface drip irrigation disposal of its treated wastewater to direct discharge into Bear Creek---creating the first direct discharge permit in a Hill County stream.

This application was opposed by the downstream property owners who depend on Bear Creek to recharge their wells and use for recreational purposes, a public water supply serving its customers from a central well, the City of Dripping Springs who originally entered into a development agreement with the Belterra developer in 2000, Hays County, the Hays Trinity Groundwater Conservation District charged with protecting the Trinity Aquifer, Barton Springs Edwards Aquifer Conservation District for which Bear Creek is a contributing stream, The City of Austin that relies on the Edwards Aquifer for water, numerous public interest non-profit organizations dedicated to protecting our state's human and natural resources, and numerous clear minded individuals who depend on clean groundwater for a sustainable economy (Realtors, engineers, business entities, etc.)

The original agreement to manage treated wastewater on-site through subsurface drip irrigation (including reuse for surface irrigation of public areas) was working just fine. The developer's desire to free up an additional 150 acres for development was supported by TCEQ and treated wastewater containing pharmaceutical and other untreated wastes is now discharged directly into Bear Creek to recharge downstream wells.

TCEQ Personnel Actively Misleading the Public and Collaborating with Its Designated Representatives to Violate State Law and County OSSF Rules

In 2007, employees in the TCEQ OSSF Department lied to a citizen requesting guidance for appealing a wrongful decision permitting an illegal OSSF (onsite septic facility). Then a TCEQ Legal Office attorney lied to cover up for the TCEQ employees who conspired with the Hays County Environmental Health Designated TCEQ Representative who issued the illegal permit.

TCEQ personnel misinforming the public and collaborating with county officials to violate state laws governing safe management of onsite septic systems strikes at the heart of public safety and makes a mockery of the Agency's mission, "...to protect our state's human and natural resources..."

TCEQ will never protect our human and natural resources until the leadership is honest, qualified and law abiding.

I'm not sure what the legislature can do to insure this condition. The Governor appoints TCEQ leadership.

Respectfully submitted,

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