

Cecelia Hartley

From: Sunset
Sent: Thursday, December 16, 2010 8:13 AM
To: Cecelia Hartley
Subject: FW: WEB EMAIL FEEDBACK

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From: Sunset
Sent: Thursday, December 16, 2010 7:35 AM
To: Sunset
Subject: WEB EMAIL FEEDBACK

Name: Dr. Elliot J. Trester

City: Austin
State: TX

Organization: Austin Physicians for Social Responsibility

Agency Name: Environmental Quality, Texas Commission on

Comments: I was going to orally deliver these comments yesterday at the Capitol, but was called away in the early afternoon.

For Sunset Commission TCEQ meeting 15 December 2010 Elliot J. Trester Public Testimony

I am Elliot Trester, a family practice doctor who has practiced here in Austin for almost the last 30 years. I am on the board of Austin Physicians for Social Responsibility. As a member of this group, I find the mission statement of the Texas Commission on Environmental Quality very important to me and my patients. It is to protect our state's human and natural resources consistent with sustainable economic development. Our goal is clean air, clear water, and safe management of waste. The TCEQ has an extremely important mission. The Sunset Commission must keep this commission, and in fact the legislature should make it more powerful to help protect our environment.

An important issue that is very timely since testimony is being taken on it is the disposal of low level radioactive waste in Andrews County. Low level sounds very benign, but radioactive waste can be very dangerous, especially if it lasts a long time. Some of the materials that will be stored have very long half lives, which means they will admit radioactivity for many years to come. Certainly the possibility that some of the waste will get out of the dump site exists, but contamination of the aquifer in that part of Texas could be devastating.

Low level radiation will not necessarily kill you, but having it diluted out into the water supply and Andrews County as well as many other areas in West Texas will expose a large population to genetic altering radiation. The Ogallala Aquifer, which supplies a good part of West Texas as well as several other states, is right above the dump site. I suspect that the number of miscarriages, birth defects and cancers will increase as a result of any leaks will be wide spread but subtle, and maybe not even that subtle.

Another very important problem is the transportation of these wastes. Since the Andrews County facility will be an area that can be used for waste from all over the country. This will require that radioactive substances will be transported along our highways. Due to the almost inevitable crash of a truck containing nuclear waste, there will be a spill. This will require expertise that is probably not available to many safety organizations along the routes. I wonder how many Geiger counters are available to the DPS forces in Texas. I cannot imagine the chaos that a radioactive spill would

cause outside of Dallas or any other big Texas city. The danger is real, and I suspect the state of preparedness for such an event is poor.

Finally, something I wouldn't have thought about much when I was becoming a doctor 35 years ago, but the threat of a terrorist takeover of some of the waste is again, unfortunately, something that must be thought of. This could occur along the route, and I am sure that routes will be need to be published so public safety authorities could be ready for any problems. Of course, this could also occur at the site of storage, and so the security at this areas would have to be fairly high.

While low level radioactive waste sounds like it's not a big problem, as a physician and as a citizen of Texas, I submit that the TCEQ should be taking our health into consideration. The Sunset commission should realize the great importance of the TCEQ and continue its existence with a stronger mandate to protect the people of Texas.

Thank you for listening to my thoughts.

Respectfully,

Elliot J. Trester, M.D.

Resolution: Continue the TCEQ with more regulatory power.

Benefit by Transferring rate making jurisdiction to PUC

Aqua Texas, SouthWest Water Company and SJTX disagree with what appears to be the Sunset Commission's staff's overarching belief that the PUC is more capable of making rate-setting decisions. Water and wastewater ratemaking is not new to the TCEQ. It and its predecessor agencies have had jurisdiction in this field since 1986. Nothing has shown that the TCEQ staff cannot handle these matters or that the TCEQ Commissioners are not as capable as the Commissioners on the PUC. It should be noted that air quality jurisdiction did not come to the TCEQ's predecessor until several years after water and sewer regulation was there.

Aqua Texas, SouthWest Water Company and SJTX also sees little proof in the assertion that moving the water and sewer rate regulation (including Certificates of Convenience and Necessity) to the PUC would improve focus on TCEQ's core mission. Since water and sewer regulation has been at the TCEQ longer than has air quality regulation, it is difficult to imagine that water and sewer rate and CCN regulation are not part of the TCEQ's core mission. Further, if the retail water and sewer rates and CCN regulations are not part of TCEQ's core mission, then the TCEQ's jurisdiction over special districts such as MUDs, including review of bond applications, is not included in this recommendation.

In essence, the TCEQ has shown to be quite competent in this area of regulation. Aqua Texas, SouthWest Water Company and SJTX believe that there has been no adequate justification to move jurisdiction to another agency in light of the potential for disjointed regulation and possible uncertainty to the regulated community during a time of increasing capital needs.

Once again, we appreciate the opportunity to present this testimony and we look forward to working with the members and the Sunset Advisory Commission throughout the 82nd Session.