

The Fight for Water Begins

I am Milann Guckian, president of Preserve our Hill Country Environment (PHCE) Foundation. It was January 2022 that I last wrote about our ongoing battle with Vulcan Construction Materials and the Texas Commission on Environmental Quality (TCEQ) regarding the proposed aggregate quarry in south central Comal County. A lot has come to pass since then.

I left off with news that TCEQ and Vulcan had appealed our unprecedented win in Judge Maya Guerra Gamble's Travis County District Court to the Third Court of Appeals. Unfortunately, a three-judge panel of the Appeals Court reversed the district court ruling to strip the air permit from Vulcan Materials.

An unelected, retired judge: J. Woodfin Jones, sitting "by assignment" authored the opinion. The appellate decision effectively restored the TCEQ air quality permit, sidestepping contamination issues we and our partners, including Comal ISD and Greater Edwards Aquifer Alliance, have been raising since 2017. PHCE ultimately requested a rehearing on that decision, but it was denied, so we appealed that decision to the Texas Supreme Court (TSC). This past October, the court chose to ignore and dispose of our petition.

The decision was disappointing, but not unexpected. PHCE's board of directors, after lengthy discussions with our attorneys concurred that we have run the gamut on fighting the air quality permit. We feel that it would be more beneficial to our cause to pursue different avenues. Our capital would be better used to identify and fight a myriad of other issues including, but not limited to water, sensitive features (caves), and endangered species. The time, money, and resources that PHCE and all our affected parties, volunteers, supporters, and donors have invested should be spent tackling these issues, perhaps even following through at the federal level if prudent. Our attorneys are looking at all available options.

Our tech teams have been researching additional opportunities in the fight for water and other natural resources. These resources are abundant on the proposed quarry site, formerly known as the White Ranch.

White Ranch, 1500 acres (2.3 square miles) of pristine Texas Hill Country rangeland, sits in the middle of Comal County amidst caves, rivers and streams, wildlife, and fauna. The ranch sits under the migratory paths of bats, monarch butterflies and whooping cranes. Numerous legacy ranches and homesteads are nearby along with Indian remains and artifacts on neighboring properties and in adjacent caves. The property itself extends southwest nearly three miles from the corner of State Highway 46 and Farm-to-Market 3009. This land is one of the largest pieces of undeveloped property in the county and is in unincorporated territory midway between New Braunfels and Bulverde.

The most likely next step for Vulcan is to obtain a Water Pollution Abatement Plan (WPAP). Of the utmost concern, White Ranch sits entirely atop the Edwards Aquifer Recharge Zone (EARZ). Fortunately, Vulcan must prepare and apply for a WPAP under the TCEQ's Edwards Aquifer Protection Plan (EAPP). The EAPP outlines the best management practices that will be implemented and maintained to reduce the amount of contaminants reaching the Edwards Aquifer. The WPAP has numerous components and requirements that must be satisfied before TCEQ will deem the application administratively complete. Once complete, the TCEQ will start the technical review process. This process kicks off notification to affected cities, counties, and groundwater

conservation districts, and the 30-day public comment period begins. The process repeats itself... *We are now in a fight for water.*

Limestone formations exposed in the recharge zone contain sensitive *karst* features like caves and sinkholes that quickly allow surface water to enter the Edwards Aquifer with very little-to-no filtration of pollutants. The aquifer provides drinking water to over 2 million people and must therefore be protected.

Not only does White Ranch sit atop the EARZ but the West Fork Dry Comal Creek runs through it, converging downstream with the Dry Comal Creek before merging with the Comal River in New Braunfels. The Comal River is fed by springs from the Edwards Aquifer and is home to several endangered species. The clear, temperate waters of the Comal are widely used for recreational swimming and tubing activities before discharging into the Guadalupe River. Dry Comal Creek and Comal River are essential natural resources in Comal County, supporting economic development and recreation in the city, as well as agricultural operations and wildlife throughout the area.

Comal County has numerous waterways — Dry Comal, Cibolo, Rebecca, and Honey creeks; Comal and Guadalupe rivers; Comal and Hueco springs, the Trinity and Edwards aquifers; and Canyon Lake. If any of these water sources becomes polluted or is irreparably harmed, the others are in danger as well.

A quarry (Vulcan) sitting in the middle of all these water resources would present numerous challenges to these many interlinked systems, leaving our community exposed to water quality and quantity sustainability issues.

TCEQ stood with industry, and the Third Court of Appeals and Texas Supreme Court stood with TCEQ over citizens and allowed the permit to be issued without adequately considering the impacts on the environment, our natural resources, and the health of the community.

Aggregate product is essential to the growth of Texas, but it is best produced in an industrial setting using common-sense, environmentally protective practices. The White Ranch is not an appropriate location. The sensitive features that comprise the White Ranch and ultimately affect the citizens of Comal County and New Braunfels need to be protected and preserved.

PHCE Foundation and its board of directors extend a heartfelt **Thank You** to all the many volunteers, organizations, supporters, and donors that have advocated and funded the ongoing crusade for our natural resources. Thank you to our state representatives and government officials who are fighting for us as well. We are eternally grateful, and could not continue our mission to preserve, protect and restore the land, water, air, wildlife, and the geological formations that make Comal County and the Texas Hill Country unique without your dedication, resilience, and determination.

Understand what our Texas Hill Country stands to lose. For more information go to www.stop3009vulcanquarry.com. Support this worthy cause at the Bluebonnet Extravaganza Dinner & Auction on April 13, 2024: <https://www.stop3009vulcanquarry.com/blue24> or donate at: <https://www.preserveourhillcountry.org/>

Ms. Milann Guckian is President of Preserve our Hill Country Environment Foundation, DBA Stop3009VulcanQuarry and Friends of Dry Comal Creek.