

The Medina County Environmental Action Association, Inc.

202 CR 450, HONDO, TX 78861
www.dontmesswithquihi.com
DR. ROBERT T. FITZGERALD, PRESIDENT
LESTER LANDRUM, VICE-PRESIDENT
BRAD REGNIER, DIRECTOR
JOE BALZEN, DIRECTOR
ALYNE FITZGERALD, COMMUNICATIONS

Phone 830-741-5040
Fax 830-426-2060
JACQUE CONRAD, SECRETARY
MARY WALPOLE, TREASURER
TED PORTENIER, DIRECTOR
DWIGHT BIEDIGER, WEBSITE
ERNA BALZEN, MEMBERSHIP

April 18, 2006

Bobby Caldwell
Texas Commission on Environmental Quality
14250 Judson Rd.
San Antonio, TX 78233-4480

Re: Vulcan Materials Company
Proposed Quihi quarry
WPAP

Dear Mr. Caldwell:

This is the first set of comments and questions from members of the Medina County Environmental Action Association concerning Vulcan Material's proposed storm water and Water Pollution Abatement (WPAP) plans submitted to TCEQ.

Our members believe these plans, though detailed in many areas, omit or minimize other serious areas which could increase flooding hazards to the people in the Quihi valley and also cause harm to the Edwards Aquifer. This harm is represented by contamination discussed later in this letter and with interference with the recharge capability represented by this 1760-acre quarry.

After studying the plans as submitted by Vulcan Materials we believe that they should not be accepted as they are currently written for the following reasons:

- 1.) Vulcan states the Edwards Aquifer lies over 300 feet below the land surface. This is not true. Quarrying will occur to an indeterminate depth. There is no monitoring provisions nor any enforceable guarantee by Vulcan to quarry only to a certain depth.
- 2.) This quarry is almost entirely located over the Edwards Aquifer Recharge Zone. It is susceptible to contamination because of the following data supplied by Descamp and Overly. There are five major fault lines, forty-three karstification features, two caves, nine solution cavities, one sinkhole and twenty-seven solution-enlarged fractures.

COMMENT BY MCEAA: This is not the place to develop a quarry. Vulcan Materials should have done its' research more thoroughly six and one half years ago instead of doing it in the past six months. After removing the over-burden and mining 130 feet (an average) the Edwards Aquifer will be in even closer contact with such contaminants as diesel fuel and nitrates, not to mention other pollutants. We have warned Vulcan Materials about pollution for years. Their answer is that they have been mining over the Edwards Aquifer for years and we haven't contaminated it yet! What they don't say or ignore is that harmful hydrocarbons and nitrate levels, as well as other poisons levels, are rising. When will it stop?
- 3.) Clean up measures after a spill are almost useless because of the rapid infusion of any spill into the faults of the aquifer roof.
- 4.) Three wells are noted in the quarry. (There are probably others not noted) Vulcan says these wells are to be left in service for quarry-land owners. Previous correspondence from Edwards Aquifer Authority stated all wells should be identified and plugged if not in use. QUESTIONS: How will the quarry land owners use wells in an active quarry?

Why is Vulcan not planning to use these wells?

5.) Vulcan says it will produce no wastewater; therefore, there is none to dispose of.

QUESTION: What jurisdictional status does TCEQ or Edwards Aquifer consider the water in the unlined sediment pond that is supposed to “Evaporate”? Isn’t this *wastewater*? QUESTION: How can anyone be sure that some of the water, which may contain many contaminants, does not enter the Edwards Aquifer?

6.) The remaining sediment after drying is “disposed of “ within the quarry. Questions arise:

- (a) What is the make-up of this sediment?
- (b) Is it analyzed?
- (c) If not, why not?
- (d) If it is found to be non-toxic, isn’t it still harmful to the recharge capability of the Edwards Aquifer if it is dumped in the quarry or isn’t it a source of particulate matter that hasn’t been accounted for?

7.) Concerning other water matters in the purview of the Edwards Aquifer Authority, two questions arise.

- (a) What effect will blasting have on water movement within the Edwards Aquifer? Is this a problem because of the strategic location of the quarry? (See section on major faults)
- (b) What effect will Vulcan Material’s use of water for dust suppression and cleaning of limestone (the exact amount is unknown, but is greater than the amount used by Castroville and Hondo populations) have on the Artesian Springs that created Quihi Lake over 10,000 years ago?

COMMENT: Quihi Lake is recognized by the Texas Historical Commission as a historical site, noting that Henry Castro brought the colonists here in 1846.

8.) Vulcan says that there will not be any problem with the huge amount of water shed up gradient causing any flooding in the quarry plant or pit site, as movable berms will protect the plant, and rainfall in the pit will be contained therein. This is based on 25-year average rainfall or other hopeful figures. Questions:

- (a) What is the actual basis of Vulcan’s statement that flooding will be contained, other than a conclusory assertion?
- (b) What guarantee is there in applicable state law, or the proposed WPAP, or other storm water plan itself, that would mandate Vulcan to design the quarry [up gradient of the plant site] in a manner that would support its conclusory assertion as proposed and result in zero flood impact?
- (c) Assuming that design of the quarry itself is the basis for Vulcan’s conclusory assertions regarding flooding, to what extent are those designs legally enforceable and bonding on Vulcan?

COMMENT: The truth is, this area of Texas is part of Flash Flood Alley. Ten or more inches of rain are known to fall here within a 24-hour period. This quarry’s location will accentuate the flooding in the down stream area, and for this reason alone, the plan should be rejected. Here again, Vulcan is thinking only of itself and its profits, not the environmental consequences for others. It makes a similar statement when it says it will not mine into the Edwards Aquifer because it would be bad for the quarry, failing to consider the harm to the Edwards Aquifer.

9.) COMMENT: The location of the fuel storage and maintenance area is a bad choice. This proposed location is almost as bad as its original choice, which was one half mile to the west. The proposed location is too close to the Elm Creek flood plain, and should not be allowed for this reason. Also, it is barely off the Edwards Aquifer Recharge Zone.

10.) We would like a response to the question concerning this quarry’s effect on recharge capability of the Edwards Aquifer over its fifty-year life span. See page 8 of Site Geology Narrative. Attachment D

11.) In Permanent Storm Water section, Item 9 is checked, but both alternatives are marked NA. (This deals with sealing of recharge fractures.) Why is this allowed to be disregarded?

12.) In Permanent Storm Water Section Item 13 deals with avoidance or minimizing surface stream contamination and changes in the way storm water enters a stream. The four retention tanks do adversely affect flows into the Elm and Polecat Creeks.

13.) Question concerning the filtration basins. What pollutants are there? Where are they “properly disposed of”?

14.) COMMENT: Vulcan's rail line as it enters the plant site traverses the Elm and Polecat Creek floodplains, a distance estimated to be approximately 1300 feet in length. There is no type of rail support stated or shown. Previous correspondence from Vulcan to STB denoted a trestle bridge spanning this location. MCEAA believes that this type of structure, or any system consisting of berms and culverts, would pose a serious additional flooding hazard not only to the plant site, but to the down stream environment. The above-mentioned types of rail supports have been known to act as a dam when clogged with debris in times of heavy rainfall. Questions: MCEAA wants to know what types of structures supporting the rail will be used to cross the floodplains. 2. What, if any, hydrology studies have been done to assure that Vulcan's plan would allow adequate flow of storm water through this area from the upstream gradient, to avoid flooding?

In closing, many questions concerning these plans have been stated. The health and safety of the people in this area, and the one and one-half million more people that drink from the Edwards Aquifer, is at stake. We have found over the past six and one-half years that Vulcan Materials has repeatedly stated that it wants to be a "good neighbor". But when it comes to listening to our concerns about roads, railroad intersections, span type bridges, avoiding the historical Quihi area, and many other details, which, if undertaken, would make the people in this area safer, healthier and more willing to live with Vulcan's invasion, aren't being done simply because of the added costs. The entire quarry area badly needs a detailed environmental study, in a single environmental impact statement to prevent the piecemealing and segmentation of impacts caused by Vulcan's varying (mis)representations to federal and state agencies about the scope and nature of the impacts of this massive project.. This possibility still exists, but in the meantime, TCEQ must take responsibility for our safety and our water. Please listen to us and answer our questions, and do not take "because we don't have to" as a valid answer from Vulcan.

As a precedent, we respectfully ask for a public meeting to discuss our concerns with TCEQ, Edwards Aquifer Authority and Vulcan Materials. Please give this request serious consideration, and pass this along to the appropriate persons who would have the authority to grant this request.

Sincerely,

Robert Fitzgerald, President

Attached: Additional signatures to this letter, of people in the Quihi area affected by the proposed Vulcan quarry who have read this letter and agree with its comments and questions.

CC: Robert Potts, Edwards Aquifer Authority
U.S. Congressman Henry Bonilla
State Representative Tracy King
Victoria Rutson, US DoT, Surface Transportation Board
Medina County Judge Jim Barden
Chris Mitchell, Pct. 1 Commissioner, Medina County
Pat Brawner, Medina County Flood Plain Administrator
Con Mims, Nueces River Authority
Fred Wells, Medina County Groundwater District
State Representative Carlos Uresti

MCEAA, for your Home, Health, and Heritage