

Reply to Responses filed by OPIC, Vulcan Materials, and ED for WPAP No. #13001906, TCEQ Docket No. 2024-1115-EAQ, for operation of a quarry in Comal County, Texas.

In response to OPIC, Vulcan Materials, and the ED:

1. It is my understanding after reading the above responses to my MTO (Attachment 1) that the three entities mentioned above acknowledge that:

I, Kira Olson, am a “Movant” and did submit my MTO in a timely manner and am considered “affected” (per OPIC below)

Per OPIC: “As a preliminary matter, OPIC finds that each of the Movants has raised material and relevant issues of fact under the Commission’s jurisdiction and reside in sufficient proximity to the proposed activity to be found a person affected under 30 TAC § 213.1(3). OPIC therefore finds that the Movants have the right to seek Commission review of the ED’s approval, in addition to any rights of judicial review”

2. Per OPIC: “Lastly, unless a local state legislator makes a request, public meetings are held at the discretion of the ED and are not mandatory”

Attached are letters (Attachments 2, 3, 4, and 4) from Senator Donna Campbell, District Representative Carrie Isaac, and Comal County Commissioner Scott Haag requesting a public meeting and a response was given from Kelly Keel, Executive Director TCEQ, not allowing the opportunity of a public meeting when that is an available tool for TCEQ to protect the public and natural resources of Texas, specifically over the Edwards Aquifer Recharge Zone.

3. Dates for timely responses not recognized by TCEQ’s own rules create an appearance of intent to deceive the public.

If it had not been asked for by movants and confirmation given by TCEQ that public comments received on the following business day from a weekend deadline would not be accepted as timely, important comments would not have been considered timely and therefore not considered at all. Attorney had to remind TCEQ of their own rules and issue a letter (attached) in order for public comments to be considered as timely. A PIR was necessary to receive these comments (Attachment 5) and not all comments were given until additional PIR (Attachment 6), and documents were provided (Attachment 7). Also in question was the name of file labeled as “confidential” for public comments. A public comment should not be labeled as “confidential”.

In question is the lack of transparency of TCEQ. I only received one public comment the first time I submitted a PIR and two when I submitted a second PIR for the same date. I question if there were more unaccounted Public Comments that were labeled as confidential or hidden since they were not able to be publicly viewed online. See attached email exchange, letter, public comments. Over 780 public comments were submitted.

4. To assume the “notice provided by the EAP Program” as suggested in the following statement from the ED is inappropriate and inaccurate as the response from the public most likely came from outreach by PHCE and concerned residents who shared posts/emails by PHCE via social media.

“The EAP Program did provide notice of Vulcan’s WPAP application, as numerous comments were received and then reviewed for relevance after a 30-day distribution of the notice was provided according to the provisions of 30 TAC§ 213.4(a)(2)”.

In addition to the many residents who have been kept informed by PHCE, there are several residents who have never heard of the intended quarry, let alone, the WPAP, and who live near and around the quarry property. They most likely do not even know who the TCEQ is or how to follow the process of the WPAP and MTO.

5. Groundwater/Surface water concerns

Per ED: TECHNICAL REVIEW OF APPLICATION AND ASSOCIATED APPROVAL

“For protection of the existing and potential uses of groundwater and to ensure the Texas Surface Water Quality Standards are maintained, the EAP Program regulates activities with the potential to pollute the Edwards and its hydrologically connected surface streams. The protection to the Edwards from a WPAP is the protection against sediment disturbed during regulated activities. Increased sedimentation in karst features and streams can decrease permeability of the water-bearing limestone and inhibit natural groundwater flow, possibly affecting the recharge of the Edwards. A WPAP also protects against pollution of the Edwards from contaminants in the sediment.”

“The solution to pollution is dilution”. Decreasing the amount of groundwater available would subsequently open the opportunity for an increase in pollution especially but not limited to Nitrates, specifically Ammonium Nitrate Fuel Oil (ANFO). Science already included but here as well: <https://www.stop3009vulcanquarry.com/wp-content/uploads/2024/04/hydrogeology-vicinity-proposed-vulcan-quarry-comal-county-texas.pdf>. ANFO is extremely detrimental to neighboring wells such as mine (Attachment 8), aquatic species, and to the more than 2.5 million people that rely on our aquifers for drinking water.

Our local economy is based heavily on tourism. Having our water polluted with detrimental chemicals will have a heavy impact on our community’s livelihoods. From the Economy Study: https://herald-zeitung.com/news/river-recreation-memorial-day-weekend-marks-unofficial-start-of-tourism-season-in-new-braunfels/article_7f815b66-1866-11ef-9708-b711522bf23c.html?

Per Vulcan Materials:

“Vulcan’s approved WPAP is an authorization to conduct certain regulated activities over the Edwards, but mining or blasting are not specifically WPAP-regulated activities. TCEQ rules define “regulated activity” as “any construction-related or post-construction activity on the recharge zone of the Edwards Aquifer having the potential for polluting the Edwards Aquifer and hydrologically connected surface streams. Movants’ assumptions in their MTOs that any mining or blasting at the Site will automatically result in pollution of the Edwards Aquifer and hydrologically connected surface streams are speculative and unsubstantiated.”

This statement is contradictory to the ED’s statement above in that these activities will in fact disrupt the infrastructure/sediment of the whole area being disrupted over the EARZ. Let us not forget that the West Fork Dry Comal Creek is present on property as well. There exist several points of which our surface and groundwater will be affected in times of discharge and flood.

6. Sensitive Features/Caves

Vulcan Materials specifies “Seven sensitive, natural geologic features were identified and included in the GA, including three caves.” These are manmade assumptions over 1500+ acres. I question the thoroughness of the geologic assessment. This low number is highly questionable. I live adjacent to this property and have several sensitive areas which all act as a direct funnel to our aquifer system as stated in science already submitted by myself, attorneys for PHCE, and other movants. Vulcan Materials will create its own manmade funnel into the aquifer system in addition to having existing natural sensitive features. This area is not appropriate for a quarry because of its geologic makeup and being located entirely over the EARZ. See another property with 38 sensitive features on its GA, directly across from the intended quarry:

https://www.cceo.org/environmental/documents/WPAP/Bigbee_Tract_Subdivision.pdf

Vulcan Materials states, “A physical field study is essential to conducting a GA or opining about geologic or manmade features on land.” If this is true, then this potential quarry and all quarries nearby would need to be evaluated independently by a third approved party and added in to assess the harm it would do to the community affected and included in an accumulative impact for an air and water permit.

7. Endangered Species

Vulcan Materials has said in their response that endangered species are not part of the jurisdiction of the WPAP. Endangered Species need to be protected as they are present in air, land, and water. The Edwards Aquifer Authority was formed because endangered species that rely on the springs are in danger of being affected and in this case must be protected. The Texas Legislature created the Edwards Aquifer Authority as the regulatory agency overseeing groundwater in the Edwards Aquifer and needs to be addressed. See: <https://www.edwardsaquifer.org/habitat-conservation-plan/>

8. Lt. Governor Dan Patrick – Pause on Cement Kiln in Grayson Co.

The concerns stated by Lt. Governor Dan Patrick should be heeded as this specific plant includes a quarry and warrants a more in-depth look into the dangers quarries will bring to the community and its natural resources. <https://www.ltgov.texas.gov/2024/04/16/lt-gov-dan-patrick-sends-letter-to-texas-commission-on-environmental-quality-tceq-chairman-jon-niermann/>

9. Wrong Link on Letter of Extension

“Movants may file a reply brief with the Chief Clerk’s Office no later than Friday, September 6, 2024. The response and reply briefs may be filed electronically at <http://www10.tceq.state.tx.us/epic/efilings/> or by filing the original with the Chief Clerk of the TCEQ. The parties must also mail a copy of the response briefs to all other persons on the attached mailing list on the same day the briefs are submitted to the Office of Chief Clerk.”

The inconsistencies and lack of transparency by TCEQ are hindering the movants in being able to be part of this process. If TCEQ cannot properly address these issues and take proper consideration of the movants and the science provided, permits need to be halted until such corrective action and consideration can be taken.

Conclusion:

These are all appropriate issues to raise in a challenge of a WPAP. Denial of the MTOs is not appropriate because Movants have demonstrated that the ED's decision, her approval of the Application, contained deficiencies that require overturning the ED's decision. Several concerns and scientific findings have been submitted by the movants and professionals and are being cast aside. These scientific findings were included in my public comment and/or MTO, PHCE/PHCE Foundation, PAI, and Texas Water Company (Attachment . I asked for the science to be heard in my public comment/MTO. The denial by Vulcan Materials and OPIC lie in the same, to ignore concerns and proof, deeming them "baseless". In the following statement offered by Vulcan Materials: "If a movant's MTO fails to meet the legal standards for specificity, the movant may not supplement its MTO complaints in a reply brief to get a "second bite at the apple." Vulcan promises to be a good neighbor but does not hold the community's health and safety in mind when science would prove otherwise. The purpose of a reply brief is to answer and elaborate upon the questioning of our claims to keep Texas safe and healthy. If you'd like further information on the property itself, you will have to allow an agreed upon third party to evaluate the whole property. Conducting studies such as a "dye trace" study would allow the community to trust that this company does indeed have the community's best interests in mind because that is what "responsible" means.

All science provided by PHCE/PHCE Foundation, Kira Olson MTO/Public Comment, Milann and Prudence Guckian, PAI Attorneys in representation of landowner group and PHCE/PHCE Foundation need to be included in my MTO/Response.

Respectfully,



Kira Olson
245 Saur Rd.
Bulverde, TX 78163
210-889-4657

I am hereby requesting a Motion to Overturn the Executive Director's decision regarding TCEQ Docket NO: 2024-1115-EAQ, Program ID NO. 13001906.

Reasons for which the WPAP – EAPP permit for Vulcan Materials should be overturned:

1. Lack of notification/information provided by the TCEQ. I am an adjacent property owner and could not follow the TCEQ-EAPP process without multiple and incomplete Public Information Requests, phone calls, and emails. Response to my request for a public meeting and request for a contested case hearing as an affected party was not given and therefore, ignored. Through a Public Information Request, found over 780 public comments/requests were submitted in addition to state and county representatives, and other organizations).

2. Our families deserve to have a reliable and pure water supply, clean air, and a safe environment. Comal County already has problems with water availability (many wells have gone dry) and stands a high risk of water pollution which can lead to our residents/tourists, farm animals, endangered species (such as Golden Cheeked Warbler, the Comal Springs Riffle Beetle, and the Fountain Darter) and others having severe health issues that may lead to death. Until the needs of area residents, who have had their wells dry up, are addressed and met, additional water permits should be halted in order to supply (a clean source of water) to what is currently in place.

Dye trace studies must be conducted in order to make informed decisions upon this type of industry being brought into our/any community. See the following report:

<https://www.stop3009vulcanquarry.com/wp-content/uploads/2024/04/hydrogeology-vicinity-proposed-vulcan-quarry-comal-county-texas.pdf>

a. Groundwater-Vulcan's proposed open-pit limestone mining operation is intended to operate entirely over the environmentally sensitive Edwards Aquifer Recharge Zone which is the primary water supply for over two million people, including the cities of San Antonio and New Braunfels.

b. Surface Water-The West Fork Dry Comal Creek runs through the property ultimately joining 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. It then discharges into the Guadalupe River.

Vulcan has a poor track record (<https://www.stop3009vulcanquarry.com/wp-content/uploads/2018/02/vulcan-violations.pdf>) in addition to one in 2022 and 2023 as stated in the following report made by kxan - <https://youtu.be/Kd2tdskQH2A?si=WY9p7dqyywxSbPj>). We stand a high risk of ammonium nitrate fuel oil (ANFO) amongst other pollutants leaking into our water supply via groundwater and surface water.

My husband and I, along with our two daughters, share a back fence line with this property and rely upon our water well to service our ranch, and all its inhabitants. Our well is located less than 600 feet from this intended quarry. The amount of water it takes for a quarry to operate is astronomical, and if allowed to deplete our aquifer, would put us at a much higher risk of our well drying up. We have multiple sinkholes on our ranch that would indicate access to the groundwater system. If in times of flooding, water/pollutants from the intended quarry comes onto our land, this water could pollute our land/water supply. My family, guests, and animals would stand a higher chance of becoming ill and/or dying.



Mining area in dark green on Vulcan map with approx. location of property.

3. Comal County is famous for all the Texas Hill Country has to offer including recreational swimming and tubing, hiking, fishing, and many other outdoor pursuits. Businesses in Bulverde/Spring Branch, Gruene and New Braunfels rely upon tourists for income. In 2022, a “local economic study showed a \$1.1 billion economic impact from hospitality”. See: https://herald-zeitung.com/news/river-recreation-memorial-day-weekend-marks-unofficial-start-of-tourism-season-in-new-braunfels/article_7f815b66-1866-11ef-9708-b711522bf23c.html? 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. If any of our water sources becomes polluted or is irreparably harmed, others are in danger as well.

4. Vulcan also has a subsidiary railroad called Southwest Gulf Railroad and used eminent domain in Medina County to create a spur in order to transport material off site. Is this in store for Comal County and what ill effect would this have on surrounding properties?

I ask that you heed the concerns of residents/professionals who have provided you with up-to-date science and protect the residents of Texas by granting a Motion to Overturn, shutting this permit down and placing a moratorium on this and similar cases.

Thank you for your assistance in this matter,

Kira Olson
 245 Saur Rd.
 Bulverde, TX 78163
 210-889-4657
Kirafallspring@gmail.com

Attachments 2, 3, and 4 on next page



Donna Campbell, M.D.

Texas State Senator
District 25

April 16, 2024

Laurie Gharis, Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Dear Chief Clerk Gharis,

I am writing on behalf of the constituents living near the proposed Vulcan Quarry on FM3009 in the New Braunfels and Bulverde area of Comal County, Texas. I would like to request a public meeting regarding PROPOSED PERMIT FOR AIR QUALITY NO. 13001906. The constituents have a myriad of questions and concerns they do not feel have been addressed.

Our responsibility to protect the Texas air, water, and natural resources, such as the Edwards Aquifer, while balancing economic development is an integral reason in having a public meeting with all parties involved.

With that in mind, I respectfully request TCEQ hold a public meeting at the earliest possible convenience to discuss the permit filed by the Vulcan Quarry.

I respectfully request that my office continue to be informed on activity regarding proposed permit No. 13001906.

Sincerely,

A handwritten signature in black ink that reads "Donna Campbell".

Senator Donna Campbell, M.D.
Senate District 25

Capitol Office:
Room 3E.18
P.O. Box 12068
Austin, Texas 78711
(512) 463-0125
Fax: (512) 463-7794



April 23, 2024

Laurie Gharis, Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RE: Public Concern over Vulcan Materials Company and Heidelberg Materials Quarries in Comal County

Chief Clerk Gharis,

On behalf of the offices of Senator Donna Campbell of Senate District 25 and Representative Carrie Isaac of House District 73, we would like to formally request that parties from both Vulcan Materials Company and Heidelberg Materials that operate quarries within Comal County and have recently requested permits from the Texas Commission of Environmental Quality (TCEQ) conduct a public meeting with members of TCEQ and the general public.

Our responsibility to protect Texas air, water, and natural resources, such as the Edwards Aquifer, while balancing the necessities for state infrastructure and economic development these quarries provide is an integral reason we request this public meeting with all parties involved.

With that in mind, we respectfully request TCEQ to hold a public meeting at the earliest possible convenience to discuss the permits filed by Vulcan Materials Company and Heidelberg Materials.

Additionally, we request that our offices continued to be informed on activity regarding any proposed permits.

Sincerely,

A handwritten signature in black ink that reads "Donna Campbell".

Senator Donna Campbell, M.D.
Senate District 25

A handwritten signature in black ink that reads "Carrie Isaac".

Representative Carrie Isaac
House District 73



Scott Haag
Commissioner Precinct #2
100 Main Plaza
New Braunfels, Texas 78130
830-221-1102
Email: haagsc@co.comal.tx.us

April 21, 2024

Executive Director Kelly Keel, MC 109
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Regional Director George Ortiz
TCEQ
14250 Judson Road
San Antonio, Texas 78233-4480

Ms. Kelly and Mr. Ortiz,

I am writing about TCEQ Edwards Aquifer Permit (Water Pollution Abatement Plan) # 13001906 dealing with Vulcan Materials Company quarry at SH 46 and FM 3009 in Comal County.

I am formally requesting a public meeting be held on this permit application so Comal County citizens can voice their concerns about this permit.

Respectfully submitted,

Scott Haag
Comal County Commissioner Pct #2
150 N. Seguin Ave
New Braunfels, Tx 78130

Mailing Address: 150 N. Seguin Avenue ♦ New Braunfels, TX 78130

Attachment 5

PIR

EAPP <eapp@tceq.texas.gov>
To: Kira Olson <kirafallspring@gmail.com>

Mon, Jun 10, 2024 at 12:16 PM

Kira,

I have attached the April 22, 2024 public comments requested.

Please let me know if you need any other comments.

Monica Reyes

Team Lead | Edwards Aquifer Protection Program


[14250 Judson Road | San Antonio, Texas 78233](#)

Email: monica.reyes@tceq.texas.gov | Phone: (210) 403-4061 | Fax: (210)545-4329

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2 attachments

 **EDAQ_13001906_Permits_Agency-Confidential_20240422_Public
Comments_7102660_.pdf**
OK

 **EDAQ_13001906_Permits_Agency-Confidential_20240422_Public
Comments_7102660.pdf**
470K

Attachment 6
PIR 94628

Norma Rodriguez <Norma.Rodriguez@tceq.texas.gov>

Fri, Jun 14, 2024 at 9:31
AM

To: Kira Olson <kirafallspring@gmail.com>

Hello,

I am not sure why it is blank. I am able to open it. I have attached the them here for you.

Have a good day.

Thank you,

Norma Rodriguez

Administrative Assistant

Central Texas Area Division

From: Kira Olson <kirafallspring@gmail.com>

Sent: Friday, June 14, 2024 9:14 AM

To: Norma Rodriguez <Norma.Rodriguez@tceq.texas.gov>

Subject: Re: PIR 94628

Good morning Norma,

I see that file, but there's nothing in it except what is shown here. Please see attached. This is the only day (April 22,2024)I requested on my PIR. I had all the other files already.

Kira Olson

210-889-4657

On Jun 14, 2024, at 8:59 AM, Norma Rodriguez <Norma.Rodriguez@tceq.texas.gov> wrote:

Good morning Ms. Olson,

Your request for **April 22, 2024** was included in the files that were sent via FTPS.

<image001.png>

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2 attachments



EDAQ_13001906_PA_ACONF_20240422_Public Comments.pdf
3022K



Graves Dougherty Hearon & Moody.pdf
61K

Attachment 7 On next page.

PERALES, ALLMON & ICE, P.C.
ATTORNEYS AT LAW
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Of Counsel:
David Frederick
Richard Lowerre
Vic McWherter

May 22, 2024

Ms. Kelly Keel
Executive Director
Texas Commission on Environmental Quality
P.O. Box 13087, MC 109
Austin, Texas 78711-3087

Ms. Lillian Butler
Section Manager, Edwards Aquifer Protection Program
Texas Commission on Environmental Quality
Region 11 Office – Austin
P.O. Box 13087, MC R11
Austin, Texas 78711-3087

Via E-mail: Kelly.Keel@tceq.texas.gov, Lillian.Butler@tceq.texas.gov

**RE: Timeliness of Comments regarding Application of Vulcan Construction Materials LLC for
Edwards Aquifer Permit No. 13001906.**

Dear Ms. Keel and Ms. Butler:

Our Firm, on behalf of Preserve Our Hill Country Environment and its sister organization,
Preserve Our Hill Country Environment Foundation (jointly, “PHCE”), previously filed comments
regarding the above-referenced Application on April 22, 2024.

It has come to our attention that the TCEQ may be erroneously treating these comments as
if they are not timely.

The deadline to submit comments on the above-referenced Application was April 22, 2024.
The Application was distributed to local governmental entities on March 22, 2024. At 30 Tex.
Admin. Code § 213.4(a)(2), the applicable rules state that any person may file comments within
30 days of the date the application is mailed to local governmental entities. That date fell on April 21,
2024, which was a Sunday. At 30 Tex. Admin. Code § 1.7, the TCEQ rules provide that when the period of

time allowed under the TCEQ rules falls on a Saturday, Sunday, or legal holiday on which the office of the chief clerk is closed, then the period runs until the end of the next day that is not a Saturday, Sunday or legal holiday on which the office of the chief clerk is closed.

Thus, pursuant to 30 Tex. Admin. Code § 1.7, all comments received by the TCEQ with regard to the above-referenced Application on or before April 22, 2024 are timely, must be treated as timely, must be considered by the TCEQ staff, and must be included in the administrative file as timely comments on the Application.

Please respond to confirm that all comments submitted on or before April 22, 2024 with respect to the above-referenced Application are being treated as timely by the TCEQ.

Respectfully submitted,

/s/ Eric Allmon

Eric Allmon

State Bar No. 24031819

eallmon@txenvirolaw.com PERALES,

ALLMON & ICE, P.C.

1206 San Antonio Street

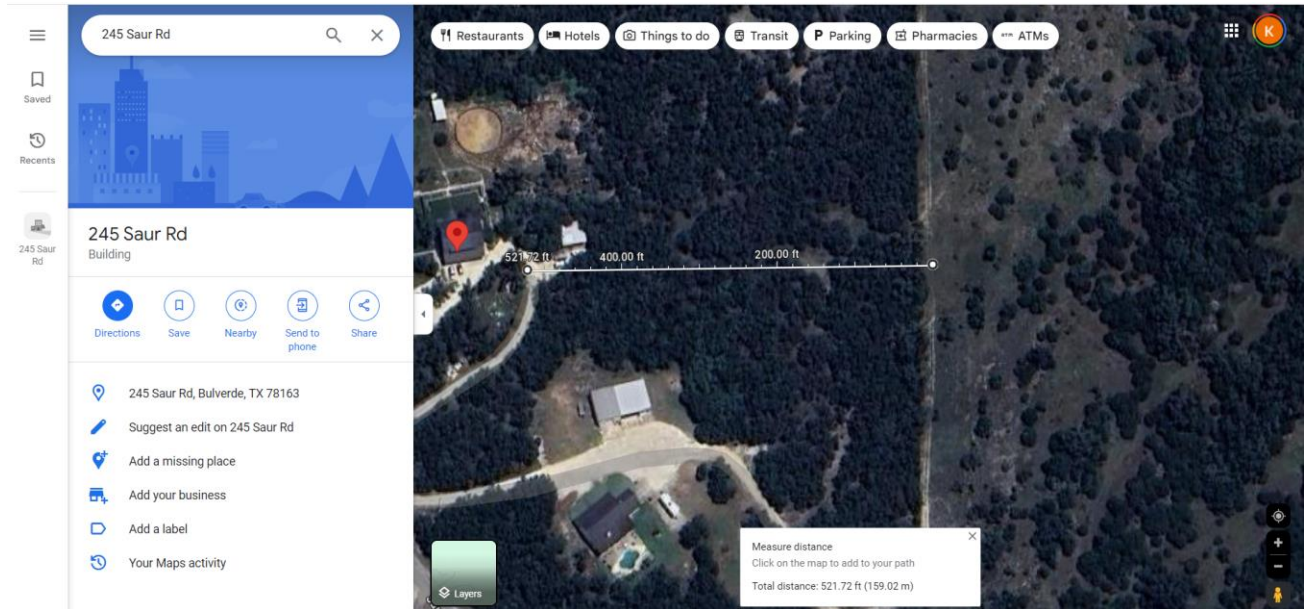
Austin, Texas 78701

512-469-6000 (t)

512-482-9346 (f)

*Counsel for Preserve Our Hill
Country Environment*

Attachment 8



Attachment 9 Texas Water Company Public Comment



Bobby M. Salehi
512.480.5638
512.480.5838 (fax)
bsalehi@gdhm.com

MAILING ADDRESS:
P.O. Box 98
Austin, TX 78767-9998

April 22, 2024

Filed Electronically

Edwards Aquifer Protection Program
eapp@tceq.texas.gov
Ms. Lillian Butler
TCEQ Region 13, San Antonio Office
14250 Judson Rd
San Antonio TX 78233-4480

RE: Public Comments on Vulcan Comal Quarry Water Pollution Abatement Plan (the
“Plan”)

Dear Ms. Butler:

This public comment on the above-referenced water pollution abatement plan is made on behalf of the Texas Water Company (“Texas Water”). Texas Water requests the Texas Commission on Environmental Quality (“TCEQ”) to hold a public meeting and hearing on the Plan by Vulcan.

The Plan seeks to authorize Vulcan to clear, strip, drill, and blast into the sensitive Edwards Aquifer recharge zone in Comal County, Texas. The location of this plant’s operations is in close proximity to groundwater wells owned by Texas Water and poses a potential threat to the healthy operation of those wells. As further explained below, Vulcan’s proposed operations may have an adverse impact on groundwater resources relied on by Texas Water and other residents as a water supply.

Texas Water is a Texas retail public utility and one of the largest investor-owned water and wastewater utilities in the United States, serving over 84,000 people. Texas Water provides an essential service to citizens throughout Texas, and the disruption of its operations is a severe risk to thousands of citizens in the Texas Hill Country where Vulcan has sited its plant.

As a state-defined major aquifer, the Edwards Aquifer is an important natural resource to our state, and particularly to Texas Water. The recharge zone allows large quantities of water to flow into the aquifer

which keeps the aquifer healthy and well stocked. According to the Texas Water Development Board, “Groundwater in the recharge zone is normally under unconfined, water-table conditions and is most susceptible to contamination.”¹ Allowing the blasting of the ground in the Edwards aquifer recharge zone poses a significant risk to groundwater, the aquifer, and ultimately public health. Not surprisingly in this area of significant growth, the recharge zone yields large volumes of groundwater to wells in the area of the proposed Vulcan project. TCEQ has not vetted these significant implications of this Plan.

Given the sensitive hydrogeologic site, and proximity to existing groundwater wells, the TCEQ has not demonstrated that groundwater will be protected.

The quarry is in a unique and highly sensitive geologic segment of the aquifer. The Edwards Aquifer recharge contains faulted and fractured Edwards limestone outcrops that allows for large quantities of water to flow into the Aquifer. Texas Water has multiple registered wells in the nearby area. Outcrops are highly permeable and let in more than just water. It is inevitable that whatever Vulcan blasts into the earth in this segment will make its way into the aquifer recharge zone. The risk to Texas Water’s wells is thus exacerbated by the quarry’s operation.

In addition, the aquifer and the surface water feeding it serves as a primary water supply for many in the region. The State of Texas and TCEQ acknowledge the significance and importance of the Edwards Aquifer and specifically the recharge zone to water supply for much of South and Central Texas. The sensitive environment in this unique hydrogeologic setting with exposed outcrops, the regional dependence on groundwater for drinking water supply, and the known interaction between surface water and groundwater are extraordinary circumstances that will be affected by Vulcan’s Plan. TCEQ may not approve this Plan knowing that groundwater will not be protected. Because the Plan fails to address the sensitivity of the operations to outcrops and nearby wells, arguably, the Plan is incomplete and must be denied.

The TCEQ has not demonstrated that groundwater will be protected.

No analysis has been completed to demonstrate that the quarry operations will not percolate into the water table beneath and will be protective of groundwater. Given the sensitive hydrogeologic connection discussed above, percolation poses significant risks to the aquifers. The TCEQ must establish effluent limits that are protective of groundwater.

Additional monitoring is necessary to protect groundwater.

Additional monitoring of the Vulcan Plan impacts to the Edwards Aquifer Recharge Zone would improve this Plan significantly. The Plan does not require data on the impacts to groundwater quality or impacts to specific wells. Texas Water requests that the Plan require a groundwater quality monitoring station at the operation site, and off-site along the FM 3009

April 22, 2024 Page

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¹ <https://www.twdb.texas.gov/groundwater/aquifer/index.asp> (last visited Apr. 21, 2024).

and Ramble Ridge intersection to track how the operations interact with groundwater in those areas and include an opportunity to increase pollution abatement controls as needed. Absent this additional monitoring, the Plan provides no means to measure whether the effluent is protective of groundwater quality.

Areas of Concern to Texas Water.

In light of these concerns, Texas Water raises the following relevant issues within TCEQ's jurisdiction:

1. Whether the plan is protective of groundwater;
2. Whether the plan is protective of water quality and the existing uses of the receiving waters in accordance with applicable Texas Surface Water Quality Standards;
3. Whether the plan is substantially complete and contains accurate information as it pertains to impacts to groundwater;
4. Whether additional monitoring is required to protect groundwater quality;
5. Whether drinking water supply will be protected under the plan;
6. Whether the plan contains adequate operator requirements to ensure proper maintenance and operation of the facility; and

Texas Water has a significant interest in ensuring that the impacts from Vulcan's quarry operations do not harm groundwater quality or the area's drinking water supply. This project as currently presented gives no assurances that either will be protected. Thank you for your attention to this matter. Please do not hesitate to call me if you have any questions.

Yours very truly,

/s/Bobby M. Salehi

Bobby M. Salehi

BMS/mah