

**Edwards Aquifer Authority (Authority) Water Quality Advisory Group  
Comments Received January 20, 2010  
Comments Regarding Impervious Cover Regulatory Concepts of the Authority**

**Attachment A**

COMMENTS OF CONCERN:

- The regulations would have negative impacts on or duplicate existing regulations.
- TCEQ's regulations work well.
- The regulations could lead to sprawl since more roads and highways would be required, which would create more impervious cover.
- The regulations could make adequate infrastructure troublesome, leading to more septic tanks and more wells being drilled.
- An inadequate amount of time has been spent considering the idea of impervious cover. No trends toward pollution of the Aquifer have been reported.
- A connection between impervious cover and water quality of the Aquifer has not been shown.
- Are sporadic water quality measurements adequate to determine the water quality of the Aquifer? Is there good, systematic data?
- If the technical staff of the EAA feels there is justification for impervious cover regulation, then information needs to be provided to back-up that justification.
- Has the Authority determined that all other regulations regarding impervious cover are inadequate?
- The financial impact due to the restriction on the owner's use of his or her land needs to be considered.
- Implementation of this type of impervious cover regulation will hurt city and state revenue by reducing tax value.
- Water quality regulation should occur on a watershed basis, not on a site-by-site basis.
- This is a tremendous opportunity to look at the entire area of water quality regulation rather than just managing impervious cover.

- Protection is really about limiting pollutant loading, which can be accomplished through the use of best management practices.
- Land acquisition and point source regulations are highly effective, while impervious cover regulations are extremely complex and may be too complicated to implement effectively.
- Is impervious cover regulation the best way to use community resources?
- Issues relating to Chapter 245 Local Government Code determinations and “projects in progress” are extremely complicated. The Authority would be required to participate in a great deal of litigation and use a great deal of its budget defending “project in progress” determinations.
- Are the proposed regulations too arbitrary; how do we know the proper limit for impervious cover restrictions?
- Developments designed with less than 20 percent impervious cover will not be required to construct stormwater best management practices.
- What if the regulations are not as effective as anticipated?
- Is all impervious cover equal (considering type of land use, shape of tract, or location of the land – recharge zone v. contributing zone)?
- Regulations should let land achieve its greatest value (highest and best use) while having the least amount of environmental impact.
- There is no Aquifer specific evidence that deals directly with stormwater best management practices and water quality of the Aquifer. A study needs to be performed.
- There are other issues that can affect water quality including agricultural runoff and point source pollution that will not be controlled by impervious cover regulation.
- The concept is not a complete, fleshed-out regulation.
- Impervious cover regulation is a blunt instrument/tool that is simplistic and doesn't address a lot of other problems.
- Considering existing stormwater best management practices, highly developed areas of the recharge zone in Bexar County have an effective impervious cover of about 11%, much less than 20%, so what's the problem?

- If a developer is willing to purchase mitigation lands, why stop them at 30%, why not allow a higher percent impervious cover if they are willing to purchase more mitigation lands?
- Authority should implement smaller steps, be flexible, and collect more data to justify regulation.
- Impervious cover studies presented are not Edwards Aquifer specific.

**Attachment B**

COMMENTS OF SUPPORT:

- Impervious cover causes flooding and decreases the base flow of streams, which reduces recharge.
- Impervious cover regulations can be implemented, and water quality regulations can still be subsequently improved.
- Impervious cover regulation will not address all water quality concerns, but that does not mean it is not a good tool.
- If impervious cover is not regulated, high density sprawl will occur.
- Other entities have recognized that the Aquifer needs more stringent impervious cover regulations.
- Impervious cover regulations do not prohibit growth; growth will become more creative or move elsewhere.
- Impervious cover regulations are a preventative measure for what we don't know.
- Stormwater runoff and maintenance of stormwater best management practices are a major problem.
- Studies show impervious cover causes an adverse impact to water quality and that contamination is a threat to the Aquifer.
- It is amazing that it has taken so long for the Authority to develop water quality regulations.
- Buying mitigation land does not exclude the need for impervious cover regulation.

- There aren't enough people enforcing water quality regulations. TCEQ is understaffed and does not find out about all development actions.
- The affect of impervious cover regulations will have on taxes is difficult to generalize.
- The City of San Marcos has found that impervious cover regulation leads to more creative development.
- There is a market for cluster developments so impervious cover regulation won't prohibit growth.
- There are problems associated with relying completely on stormwater best management practices.
- There is a substantial risk of degradation if there are no impervious cover regulations.
- We do not need to wait to see pollution in the Aquifer before we implement regulations.
- The EAA may have regulations that are more stringent than TCEQ's rules.
- The regulated area is not that large, and there is citizen support for one jurisdiction over the Aquifer.
- The highest and best use of recharge zone land is to recharge the aquifer.
- City of San Antonio impervious cover rules are not effective because zoning changes allow higher impervious cover limits.