

## ‘Broken’ TCEQ is under state review

Sunset Commission to evaluate environmental regulator

By **Elena Bruess**  
STAFF WRITER

The state agency tasked with protecting Texas’ public health and natural resources is being reviewed this year by the state commission tasked with evaluating whether it should continue to exist or whether changes are needed.

The Texas Commission on Environmental Quality is among the agencies being looked at by the

Texas Sunset Advisory Commission, a 12-member panel created and overseen by the Texas Legislature, in advance of the 2023 legislative session that starts in January.

The Sunset Commission can either recommend that lawmakers abolish an agency or make changes so it will be more efficient. The commission’s process, which spans months, involves gathering input from the public.

As part of that process, roughly

15 people from the San Antonio area – who spoke during a recent public forum at the Woodlawn Pointe Community Center – mostly expressed anger, disappointment and frustration over how the TCEQ has protected the environment.

“The TCEQ is not taking care of Texans. ... The TCEQ is broken, and they’re not serving the citizens of Texas, and they need to be fixed,” said Mark Friesenhahn, a

member of Texans for Responsible Aggregate Mining, an organization focused on the health and safety of that industry. “I love being deep in the heart of Texas, and I want this place to look like it used to for our grandkids, visitors and our associates in the future.”

The Sunset Commission is expected to publish its recommendations before June, when the agency will hold a public hearing in Austin for people to comment on the recommendations. In July, the commission will finalize its recommendations on the various

agencies under sunset review this year and propose them to the Legislature in January.

Robert Romig, a senior policy analyst the Sunset Commission who is the project manager for the commission’s review of the TCEQ, encouraged Texans to go to [sunset.texas.gov](http://sunset.texas.gov) to get information about the review schedule and how to contact the team.

“We are happy to receive any input you want to give us,” Romig said during the March 21 forum, which was hosted by the Greater **TCEQ continues on A5**



Photos by Josie Norris / Staff photographer

**Diana Kovpak cheers as Isabel Carrazana, both of San Antonio, shucks a tricky oyster Saturday during the 2022 Fiesta Oyster Bake held at St. Mary’s University. The event returned after two years of being canceled due to the pandemic.**

## Monitors keeping close tabs on levels in aquifer

By **Elena Bruess**  
STAFF WRITER

On the northeast side of San Antonio, in a conserved area of Bexar County, Chuck Crawford lowers a massive measuring tape into a deep well. The tape plunges down for several moments, zipping past 50 feet, 100 feet, 200 feet. When an alarm buzzes, indicating that a pressure sensor at the end of the measuring tape has reached the water in the Trinity Aquifer, Crawford stops.

He leans forward to note the measurement – 245.86 feet from the ground to the top of the water.

“Looks about right,” he said, though he checks a second and a third time. “You just have to be certain.”

Crawford is the data collection supervisor for the Edwards Aquifer Authority, the water management agency that regulates the Edwards Aquifer. Every month, he and three other data collectors check the aquifer levels at 70 wells across the Edwards and Trinity aquifers, a region that spans Bexar, Medina, Comal, Uvalde and Hays counties. On Wednesday, Crawford analyzed a well by the Aquifer Authority’s field office.

For decades, wells tapping the Edwards Aquifer have been monitored for depth. Frequent measuring enables officials to act promptly when conditions such as drought and rain cause the aquifer’s level to change significantly. Besides taking field measurements, the Edwards Aquifer Authority receives water level data remotely every 15 minutes from 22 of the most important wells via wireless pressure sensors installed at the aquifer’s surface. And to ensure such readings are correct, the team takes its measuring tape to the wells monthly.

San Antonio implemented Stage 1 water restrictions last month, which provide designated watering days and times for residents. The Edwards Aquifer Authority was alerted to the condition triggering those restrictions by the J-17 index well, which is in a tiny building on Fort Sam Houston and is the most impor- **Aquifer continues on A5**

## Fiesta Oyster Bake is back

Some 75,000 turn out for St. Mary’s event with ‘food, drinks, good vibes’

By **Megan Rodriguez**  
STAFF WRITER

Denise Fernandez has been volunteering at Fiesta Oyster Bake for nearly three decades.

This year, she chaired one of the oyster shot booths at the music festival sponsored by the St. Mary’s University Alumni Association on the university’s campus.

She was happy to get back to volunteering after two years of being unable to because of cancellations caused by the pandemic.

“It has been just wonderful to see that people are still showing that they are concerned about spreading germs,” said Fernandez, 53, “but we need this. We really need to have this time to celebrate and have some type of normalcy. ... And Fiesta is a big part of that.”

Cousins Stephanie Gonzalez, Roxanne Rodriguez and Jose Cuevas met up Saturday to go to Fiesta Oyster Bake. Gonzalez, 34, said the food was her favorite part of the event. Rodriguez, 35, said she has been coming to the event since she was in her 20s and was excited to see it return. Cuevas, 34, said this was his third time out at the event.



**The event typically grosses between \$1.5 million and \$2 million, with about 24 percent of that being net revenue that funds 75 scholarships at St. Mary’s.**

“Food, drinks, good vibes – I’m all for it,” he said.

Fiesta Oyster Bake was completely new for Diana Kovpak, 22, and Isabel Carrazana, 21, who both had moved to San Antonio from out of state recently. They met while working at a restaurant.

“Everyone said ‘you have to go to Fiesta’

and said how awesome it is here,” Carrazana said as she and Kovpak shelled and ate their bucket of oysters. “And it is – it’s so much fun.”

Fiesta Oyster Bake chair Mike Martinez said a final head count for the Fiesta mainstay – it’s been around since 1916 – won’t be

**Oyster continues on A6**

## State ponders Gulf oysters’ future with livelihoods at stake

By **Emily Foxhall**  
STAFF WRITER

AUSTIN – The Texas oyster fishermen came from coastal cities by bus, traveling before sunrise to fight for work they argue the state is wrongly taking away. They overcame nerves, tears and anger to tell the nine parks and wildlife commissioners what their pending decision would mean for fishermen’s lives.

State officials have temporarily closed nearly all public oyster harvest areas, saying that doing so will allow fishermen a chance at harvesting oysters in the future. The Texas Parks and Wildlife commissioners were set to decide at a recent hearing whether to close some spots permanently – a choice overshadowed

by the reality that the Gulf oysters that endured for generations might have a bleak future.

The dilemma was one of many impossible choices ahead as the environment shifts with climate change. The fishermen rely on the November through April oyster harvest to pay their bills. For some, it’s all they feel qualified to do. But sustainability advocates and state regulators say the reefs must be protected, or else the whole ecosystem will suffer.

The only way to protect the reefs immediately is to let the young oysters grow unimpeded, they say. But oysters need mild weather to survive and with climate change they might not get it. The coming years are expected to bring stronger hurricanes and heavier rains as well as potential-

ly severe droughts. Hurricanes bury oysters in sediment. Heavy rains and droughts mess up the salinity of the bays.

Amid this, constant consumer demand means the oysters that do survive are plucked up by fishermen. Visitors from around the world want to try Gulf oysters, and the high-end shellfish remain a restaurant staple for local diners.

The fishermen argue they can dredge the reefs to collect bigger oysters and improve them simultaneously. Like farmers tilling their land, they say, it’s in their best interest to keep the reefs healthy. Why would they overharvest if oysters are their livelihood? Why can’t the state back off?

**Oysters continues on A6**



Jon Shapley / Staff photographer

**Pablo Cervantes, an oyster fisherman, argues with a former game warden before a Texas Parks and Wildlife commission meeting on March 24 at the department’s headquarters in Austin.**

## METRO

# Teen indicted in fatal bar shooting

By Elizabeth Zavala  
STAFF WRITER

A San Antonio teenager has been indicted on a murder charge in connection with the fatal shooting in December of a man who allegedly had argued with his mother at a South Side bar.



Gonzalez



Sanabria-Pena

The case involving Bryan Gonzalez, 18, was among 248 felony indictments handed up last week by two Bexar County grand juries.

A fight Dec. 6 at the Tres Amigas Bar at 10703 Pleasanton Road turned to gunfire and spilled outside. Arriving police officers found Santiago Sanchez, 37, with multiple gunshot wounds. He later died at a local hospital.

According to an affidavit supporting Gonzalez's arrest, his mother, listed as a witness in the document, told police that he and another of her sons, an unnamed 16-year-old, were responsible for the shooting and that she had summoned them there.

Sanchez and Gonzalez had a prior history of enmity, and Sanchez had threatened the mother in the bar because of it, the woman told authorities.

Video footage captured from inside the bar shows Gonzalez and a juvenile arriving at Tres Amigas with guns and talking to their mother and another witness, who point out Sanchez, who is standing nearby, the affidavit states.

A verbal altercation between Gonzalez, the juvenile and Sanchez ensued before Sanchez was struck by gunshots, the affidavit states. The pair then left the scene.

The case is being prosecuted in the 175th District Court. If convicted, Gonzalez faces up to life in prison. It is unclear if the juvenile was charged.

Also indicted was Edwin Sanabria-Pena, 26, charged with intoxication manslaughter in the death of Gabriella Padilla on Jan. 1.

According to TV reports, Sanabria-Pena was driving a Dodge pickup on Culebra Road at Zarzamora on the evening of New Year's Day when he ran a red light and

hit a Chevrolet pickup. The force of the crash caused the Chevrolet to hit a Jeep Patriot.

Padilla, 53, a backseat passenger in the Chevrolet, died at the scene. Three others were hospitalized with serious injuries, as was a passenger in the Jeep. The suspect also was hospitalized with minor injuries.

Police later determined Sanabria-Pena was intoxicated, and he was arrested on charges of intoxication manslaughter and three counts of intoxication assault.

The case is being prosecuted in the 437th District Court. If convicted of the second-degree felony, he faces up to 20 years in prison.

## AQUIFER

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tant monitoring well in San Antonio.

When J-17 drops below 660 feet, the Edwards Aquifer Authority begins monitoring a 10-day rolling average.

If the average drops below 660, the Edwards Aquifer Authority informs the San Antonio Water System, which advises the city to implement water restrictions.

"We look at the well data every single day," said Bryan Anderson, data management director at the Edwards Aquifer Authority. "And each day, we need to be very careful making sure that all the measurements are correct because we need to know when we're getting toward a critical period stage. It's how we keep it protected."



William Luther / Staff photographer

**Charles Crawford measures water levels Wednesday for the Edwards Aquifer Authority in San Antonio. Levels can trigger water conservation steps.**

The J-17 index well – drilled in 1913 – has had its level measured since the 1930s.

"It's important for us to have a long history of data. It's incredibly useful," said J. Mark Hamilton, executive director of aquifer manage-

ment services at the Edwards Aquifer Authority. "Not only for regulators but for the scientists and people trying to understand the system. We can see the drought of record in the 1950s and when San Anto-

nio flooded in the early '90s."

nio flooded in the early '90s."

The J-17 well is also on a major Edwards flow path and responds to any change in pumpage or recharge quickly, Hamilton said.

There are three remote sensors in the J-17 well, which send data to the Edwards Aquifer Authority that is compared daily. Most wells have one sensor.

The field team's measuring tape, which fits through a small hole at the top of each well, extends up to 500 feet and has a sensor on its end that reacts when it hits water. When the sensor buzzes, the data collector subtracts the distance between the surface and the water from the ground elevation.

For example, the Trinity Aquifer well by the Edwards Aquifer Authority research center has an elevation of 969.32 feet, so its recent tape measurement of 245.86 feet means the aquifer's level there is 723.46 feet.

The field measurement for each well is recorded in the well's log and compared to the measurement from its remote sensor. A large difference in the measurements generally indicates the sensor needs to be corrected.

"If the difference is more than 0.05, we change the number in our online data system," Anderson said. "If it's less than 0.05, we'll just record it in the log, so the team knows for the next time that it was off a bit."

The highest level ever recorded for the J-17 well was 703.31 feet, which occurred in 1992 during massive flooding in San Antonio. The lowest occurred in 1956, when J-17 measured 612.51 feet.

Currently, J-17 is at 652.7 feet, having continuously dropped for the past month. If the level's 10-day average falls below 650 feet, the Edwards Aquifer Authority will call for Stage 2 restrictions.

Considering how dry the area has been this spring, Anderson said the situation may be heading that way. The rain San Antonio received Wednesday morning will be absorbed by the soil, never reaching the Edwards Aquifer.

The Aquifer Authority also has several weather monitors throughout the Edwards Aquifer region that record rain, wind and soil moisture – all of which are checked daily. The combination of all the data helps the team analyze the entire ecological system. And the more data the team collects, the better it can understand the future and intricacies of the Edwards.

Elena Bruess writes for the Express-News through Report for America, a national service program that places journalists in local newsrooms. ReportforAmerica.org. elena.bruess @express-news.net

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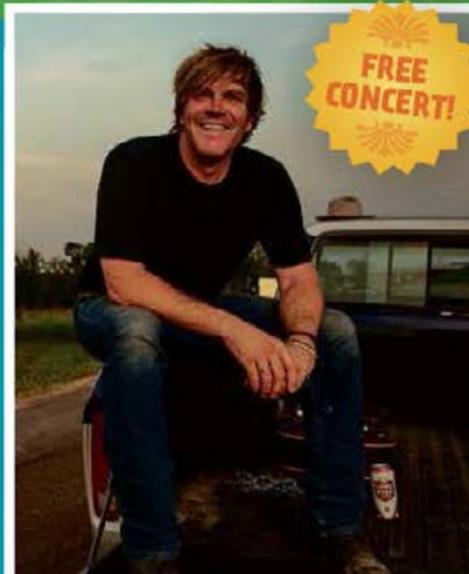


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## TCEQ

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Edwards Aquifer Alliance. "But the most fruitful kinds of comments are ways in which you feel like the processes the agencies use, their operations, can be improved."

A common complaint among those who spoke at the forum was that the TCEQ's priorities are not aligned with its purpose. They say the TCEQ seeks to safeguard economic development at the expense of protecting the environment and the public's health, resulting in a narrow view when evaluating the environmental impact of any development.

Consequently, they say, the TCEQ issues permits without considering the cumulative effects on the environment and health.

Margo Denke Griffin, a member of the grassroots environmental group Friends of Hondo Canyon, complained during the Sunset Commission's forum that the TCEQ often dismisses valid concerns from the public and that its permitting process offers only "lip service" to the public without the ability to alter a drafted permit.

"When the window (for public comment) is closed, the TCEQ executive director



William Luther / Staff file photographer

**Public comments are pouring in on the Texas Commission on Environmental Quality, which regulates quarries and other industries that affect the environment.**

dismisses the public concerns in their extensive response to the comments," Griffin said. "Why are we dismissed? Because the TCEQ experts are the experts on pollution and the concerns of the public have already been addressed in the TCEQ's scientific review."

Griffin suggested having

local authorities – such as groundwater districts and river authorities, who know the rivers and streams well – participate in evaluating the environmental impact of issuing a given permit.

The Greater Edwards Aquifer Alliance, a nonprofit focused on protecting the Edwards Aquifer, submitted

20 pages of comments to the Sunset Commission, specifically addressing wastewater treatment permitting and compliance, best management practices for stormwater pollution prevention systems and permitting for aggregate industry operations, such as quarries and rock crushers.

Among the alliance's suggestions is that the TCEQ implement rules specific to the Edwards Aquifer for aggregate operations in the aquifer's most vulnerable areas, such as its recharge and contributing zones.

Annalisa Peace, the alliance's executive director, said that over time, she has given up on the TCEQ taking her organization's comments seriously.

"Every year, I get a notice that they're having the public comment on the Edwards rules," Peace said. "But I don't even go anymore, because we've been submitting the same comments since 2005, and no action has been taken."

As new science has emerged about the Edwards Aquifer and its protection, Peace's organization has submitted additional comments, she said, adding that the list has gotten much longer as the TCEQ has addressed few old or new ones.

Peace also complained about the TCEQ's process for granting a so-called contest-

ed case hearing, which is similar to a civil trial and conducted by the State Office of Administrative Hearings. Such hearings enable residents who would be most affected by industrial development to challenge the issuance of a permit, but Peace said the process for requesting one is time-consuming, expensive and impossible for some people to navigate.

"Groups have raised, individuals have raised, we estimate, over a half a million dollars to contest these permits, to hire lawyers and everything," Peace said, referring to roughly 40 cases that the alliance has worked on. "I don't think that's right. We have an agency that's supposed to be there to do that."

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