

The Ethician Foundation

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To: EDITOR

Subject: Bizarre Confusion Endangering Water Supplies

Dear Editor:

The San Jacinto River is reported to have unsafe levels of bacteria but that is only part of the problem plaguing water quality in many of our rivers and lakes. During parts of the year as much as 50% of the water entering Lake Livingston from the Trinity River is composed of treated wastewater and agricultural chemical runoff. Parts of the Neches are equally unsafe from a contact recreation standpoint and the fish in parts of many of our rivers are unsafe to eat due to contamination.

To add to the worry about the safety of drinking water for millions of Texans is the fact that there is no apparent coordination between the EPA, TCEQ, TRA, SJRA, and the Texas Railroad Commission in regard to rules or regulations in regard to fracking and drilling under either Lake Livingston, Lake Conroe, or Lake Houston.

Blowouts are not uncommon and numerous oil and gas wells are being fracked and drilled in both the Trinity and San Jacinto River watersheds, oftentimes only a few hundred yards from creeks that ultimately empty into our reservoirs. A blowout or spill could cause serious environmental problems that could make our already polluted water even more unsafe for human consumption.

Now ranchers and farmers seem to worry that the EPA will determine that non-navigable waters will be considered “waters of the United States” and subject to

regulation. Actually ranchers and farmers should applaud rules that might protect them from the TCEQ's laissez-faire issuance of waste water permits to industries that allow them to dump their wastes, both treated and untreated into ditches during heavy rainfall and subsequently onto flood plains and creeks in the watersheds leading to our drinking water reservoirs.

Just in the last few months, the TCEQ has declared that a ditch that was dug to allow waste water from an industrial site in Walker County was "water in the State" and thus has been permitted to allow it to flow over one half mile through the flood plain of Shepherd Creek that flows through private wildlife sanctuaries managed by the Ethician Foundation and eventually into Lake Houston.

A Municipal Utility District with operations on the shores of Lake Livingston has been allowed by the TCEQ to trespass on America's only "Green Veteran's Cemetery" and dump waste water from its sewer plant from a pipe on the cemetery property and into a formerly ephemeral stream that empties directly into Lake Livingston.

Unfortunately, the courts in Texas have sided with the TCEQ in declaring that any puddle, ditch, pond, or any other drop of water in the State of Texas does not belong to the private landowner upon which the water stagnates or flows, but belongs instead to the State and thus the TCEQ can permit the discharge of wastes from both municipal and industrial sites through any farm or ranch in the State of Texas. The dumping of waste water without benefit of a legal easement or payment to the private property owner is a gross abuse of governmental power, in my opinion, and a "taking" of private property rights for the net benefit of others.

I hope that the Texas Farm Bureau will check the actual facts and be very concerned about abuses that are actually occurring. When the TCEQ grants a permit to discharge wastes through private properties, the owner has the obligation to pay property taxes yet the State of Texas claims that any water flowing over said private property belongs to it to do with as it pleases and we are not talking about navigable streams.

George H. Russell

TO THE EDITOR: I CAN FAX DOCUMENTATION IF YOU WISH.

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