

How San Antonio got a water conscience

1991-1995



By **Char Miller**

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Ronnie Pucek had San Antonio over a barrel. It was, admittedly, a barrel of catfish, but that only made the situation all the more comic and contentious. In 1991, he and his silent partners purchased land in south Bexar County, drilled a monster well, and, making ready use of Texas' arcane right-of-capture law, began pumping upwards of 40,000 gallons a minute to flush through the Living Waters Catfish Farm. Although there was no legal constraint on the amount of water the aquaculture concern could use, its impact on the Edwards Aquifer — and thus on San Antonio's potable supplies — set off alarm bells. The city and SAWS scrambled to find grounds to halt Pucek's operations, noting reasonably enough that no single entity should have the right to absorb as much flow as could support one-quarter of San Antonio's population. Over the next 10 years, they spent buckets of cash on legal fees: In the end, they bought out Pucek and his backers for approximately \$30 million.

This was a very expensive lesson for the city, the first of many during the 1990s, arguably the most pivotal decade for water politics and policies in the modern history of San Antonio. Alas, some of what it taught us has been ignored in recent years — one reason why the city recently has been identified as the fourth-largest city in the U. S. that is running out of water.

It's not as if San Antonians have been unaware of the significance of water — in all its forms — to life in South Central Texas. Indeed, there had been any number of singular moments in the past. In 1891, banker George W. Brackenridge funded an exploratory well on Market Street, and its prodigious gush launched the cheap-water era that lasted for a century. There was the legendary flood of 1921 that tore the town apart.

Deserving mention too is the searing drought of the 1950s (and the lesser ones in the 1990s and early 2000s, as well as the one tightening currently). Oh, and there have been some exquisite brawls over the Edwards Aquifer's vital recharge zones: In the 1970s, developers and activists tangled over housing subdivisions and shopping centers, struggles that have been reprised ever since. After all, whatever condition the water washes off streets and parking lots in these sensitive areas is how it ends up in our drinking water.

Each of these stories, however, found full and interlocking expression in the last decade of the 20th century. As a result, San Antonio had to develop — however painfully, slowly — a new consciousness about water, a new way of inhabiting its home turf.

Start with floods. What the native peoples knew, the Spanish came to recognize, and the National Weather Service now confirms: San Antonio lies within Texas' Flash-Flood Alley. Powerful storms routinely rock the region, dropping immense amounts of rain, such as the 19 inches that slammed down in 1998. Once, that amount of water would have scoured the downtown core but not this time: its torrent was captured by the San Pedro Creek and San Antonio River tunnels, completed in 1991 and 1997, respectively, \$150 million that was very well spent.

When deluge gives way to drought, as happens when the weather pattern shifts from El Niño to La Niña, so does the environmental issues that wrack the community. The bellwether here is the still-flowing Comal Springs, one of the few remaining in South Central Texas: most of the others have dried up due to excessive groundwater pumping. But because those in New Braunfels hung on into the 1990s, they became embroiled in a legal flashpoint. In 1991 the Lone Star Chapter of the Sierra Club used provisions of the Endangered Species Act to sue the U.S. Fish and Wildlife Service for failing to protect the seven endangered species that live within the Edwards' fluid embrace.

The San Antonio political establishment went ballistic, knowing that if the lawsuit was successful then the Alamo City would be compelled to change its hitherto wasteful water regime. It refused to plan for the inevitable — a profound failure of judgment — and when the court sided with the Sierra Club, it had wasted precious dollars and time.

So, too, with its ill-advised efforts to build the Applewhite Reservoir in southern Bexar County; after a decade-long permitting process, voters rejected the project in raucous special elections in 1991 and 1994. These back-to-back-to-back defeats forced the city, finally, to consider a more long-term water strategy that would meet federal regulatory requirements and provide a sustainable supply of water.

This process became more compelling and complex with the creation of the Edwards Aquifer Authority, which the state established in response to the Sierra Club victory in federal court. Finally, a regional agency would manage the aquifer's resources, a shift of unparalleled significance. An example: its emerging rules and regulations liberated SAWS to pursue a robust agenda of conservation. It first raised water rates in the late 1990s, then used this capital to educate consumers about low-flow technologies and offered financial incentives to homeowners to make the switch. It also spent millions on a water-recycling plant whose reclaimed flow irrigates parks, golf courses, and campuses, and began planning a state-of-the-art aquifer storage system that would ultimately cost \$110 million. Each of these bold ventures saved lots of water and significantly reduced the pressure on the aquifer and the species that inhabit it.

Another element in its conservation strategy has been more problematic. Consider its commitment to water ranching, that is, the buying up of water rights from ranchers, farmers, and others to supplement the city's supplies. This tactic is what netted Pucek's Bexar County farm, a good outcome. Much less beneficial has been its subsequent efforts to sop up rights throughout the Hill Country. SAWS has not built pipelines to these sources but instead pumped its newly purchased "paper water" out of its wellheads in the city. This underground transfer of its liquid assets has intensified pressure on Comal spring flow — the very situation that produced the landmark Sierra Club lawsuit exactly 20 years ago.

Let me put it this way: In the 1990s, SAWS and the city of San Antonio shucked their longstanding reputation as one of the worst water hogs in the west, and became smart, aggressive, and forward thinking. Since that formative decade, however, its innovative energy has flagged. Worse, with the exception of the land purchases over the aquifer recharge zones, it has backslid to such an extent that the time seems ripe for another legal challenge.

Should Sierra Club II occur, the city will lose once again. The federal government will force it to stop pumping paper water and begin piping it in from the Hill Country; the good citizens once more will be compelled to pick up the tab because 10 years ago their political leaders and policy wonks hit the snooze button.

Somewhere, Ronnie Pucek must be laughing.

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