Case 7

City Farm, a piece of open land encompassing approximately 6,000 acres, is located east of the City of Lubbock in the Texas panhandle. While a major piece of City Farm is a natural canyon, 3,450 acres have been used for agriculture for decades producing a variety of crops: cotton and Bermuda grass until 1989, corn with other crops for a few years after that, and for the last 10 years mostly rye grass. The City of Lubbock has been using the site for wastewater effluent application (i.e. spraying of treated sewage on crops) since the 1930s. At times, the City sprays as much as 8 million gallons of wastewater a day on the crops.

In 1989 the nitrate levels from the wastewater were so elevated that they reached the groundwater and wells of homes around the City Farm area. Recognizing that it is scientifically sound to use soil, such as in City Farm, to filter wastewater, and prompted by concerns of the Texas Natural Resource Conservation Commission (TNRCC), the City hired environmental specialists who developed a wastewater management plan. Subsequently, however, the City failed to follow the plan. In 1997 Consultant and Texas Tech Civil Engineering Professor Clifford Fedler warned the City that wastewater usage levels recommended in the report were grossly exceeded. During the period from 1997 to 1999, water balance drafts (i.e. city records of effluent usage) show that the experts' recommendations were surpassed by as much as 1000% on one plot at one time and at a lower –but still excessive- rate on other plots at other times.

In June 2002, TNRCC (now entitled Texas Commission on Environmental Quality) cited the City of Lubbock for polluting City Farm, thereby causing elevated amounts of nitrates to seep through to the monitoring wells and the water table beneath the Farm as well as possibly permeating as far as the Ogallala Aquifer, west Texas's primary water source. In the citation, TNRCC focused on the presence of prairie dogs, which have colonized City Farm grounds for years, but whose population has over the last 4 years rapidly grown. TNRCC postulated that the animals' burrowing habitat allowed effluent to pass unfiltered to deeper ground layers. Pat Cooke of the TNRCC said: "Explosive growth of the prairie dog population could lead to crop failure due to overgrazing, which, in turn, could allow effluent constituents to migrate further into the soil and possibly the groundwater".

Prairie dogs, which are classified as a *keystone* wild rodent species upon which 9 other prairie species depend, and of whose habitat another 20 take opportunistic advantage, burrow huge tunnels and mounds in the fields where they live. Based on the TNRCC citation and emboldened by the fact that black-tailed prairie dogs are not a protected species, the City of Lubbock (whose ambassador to the world was once Prairie Dog Pete) is proposing to exterminate the 40-50,000 prairie dog population. Although Cooke, under fire from several groups for complete lack of scientific evidence to support his initial claim, has since said that his statement was never meant to incriminate prairie dogs, Lubbock's environmental officer Dan Dennison is of the opinion that "This is a farm, f-a-r-m, not a prairie dog town. [...] We should have gone out and done what

everybody else does: quietly go out there and get rid of them. [...] You don't need a scientific study to know water runs down holes".