



Post Oak Savannah Groundwater Conservation District

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VIA REGULAR AND CERTIFIED, RETURN RECEIPT REQUESTED

NO. _____

July 17, 2020

Board of Trustees
San Antonio Water System
2800 US Hwy 281 N
San Antonio, TX 78212

Attn: Robert Puente, President/CEO

Dear Honorable Chairman Guerra and Trustees:

I serve as Chairman of the Board of Directors for Post Oak Savannah Groundwater Conservation District. As you are well aware, the Vista Ridge pipeline which is delivering water from wells in our District to the San Antonio Water System (SAWS) was completed early this year, and according to reports, both received by our staff from other sources and given to your Board during public meetings, testing had been conducted and completed well before April, 2020. We also note that due to reports to your Board Vista Ridge water began to be delivered to the SAWS Agua Vista Plant on April 15 of this year. It came to our attention in early June 2020 that some of the water being delivered to SAWS was being disposed of into Mud Creek adjacent to the Agua Vista Plant. Specifically, we have been informed that the volume of water being delivered was 20 mgd, of which 10 mgd was being disposed of into Mud Creek because it was not needed for the testing that was being done for the Agua Vista Plant and intermingling and delivery of water to area subdivisions.

Having seen the photos and videos concerning this disposal, Gary Westbrook, our General Manager reached out to your staff and asked questions about such disposal of half of the delivered water. As sitting Board Members, I'm sure you can imagine that our Board was surprised/shocked by this revelation of disposal, especially since we have heard so much about the needs of San Antonio to receive this water to serve its customers. Certainly, we have heard from numerous individuals and groups through the years and even recently during a permit amendment about the volume and usage of the water. The requirements in our permits which have allowed both the pumping and transport of this water to San Antonio have been scrutinized greatly by a number of Board members and individuals in our communities. Many fear greatly the drain on the aquifers in permitting this water to be transported to San Antonio. However, equally concerning is that assurances were given to our Board by the permit holders that *all* water withdrawn and transported to San Antonio would be put to beneficial use, *as required* under several provisions of the Water Code. Upon learning about this "disposal" and that it was disposed "unused" and thus not part of any start up testing, several members of our Board requested that this matter be taken up at a Board meeting, which occurred on July 16, 2020. During this meeting, the General Manager discussed what he had been informed of and further discussions were had as to what, if anything, could be done about what our Board, and likely others, perceives as "waste." The importance of this distinction I'm sure is not lost on the Board of Trustees; as an arm of the municipal corporation of City of San Antonio, expenditures of

public funds are not to be done in a wasteful manner. And yet, that appears to be exactly what has occurred since April 15, 2020 until approximately June 12, 2020. To put it in better context, the volume of water disposed of into Mud Creek is equivalent to the amount of water needed to supply a community in our District of approximately 5,000 people *for an entire year*.

It was known on April 15, 2020, well after the pipeline and all testing of such pipeline was completed, and at the time contractual delivery of Vista Ridge water commenced, that the pipeline was required to be run carrying minimally 20 million gallons per day. When your staff allowed such gallonage to be delivered to the Agua Vista plant, your staff was also well aware that it was in no position to receive the full volume of such water. We certainly understand that the Agua Vista plant needed to be tested and the exact mixture of your current water supply with the waters coming from the wells in our District needed to be tested. But the infrastructure necessary to *receive* the entire 20 mgd was *not* completed and was not expected to be completed until mid-July 2020. One must ask why the water was allowed to be delivered when that action would lead to a waste of such an amount of water. Miraculously, within days of contact by our General Manager to your staff, the disposal stopped; another use or avenue for use was located and utilized. Why did it take nearly 60 days for that avenue to be located. One must now also ask if our General Manager had not contacted SAWS would this disposal have continued for another 30-40 days until completion of the additional intended pipeline mentioned by your staff.

Yes, we are aware that SAWS had applied for and was issued and operating the plant under TXG670000. However, that is a discharge permit issued by and through TCEQ for the tested waters used in the plant and pipeline testing associated with bringing the Agua Vista plant online. That does not address the 10 mgd that was *unused*. For nearly 60 days, you received 20 mgd, of which only 10 mgd were used in the plant testing and operations, at least based on the information we have been provided by your staff. It does not appear that thought was given as to any proper *beneficial* use that the 10 mgd of water was to be used for and that all groundwater in Texas is mandated to be for beneficial use and not wasted under the permits granted by a groundwater conservation district under Chapter 36, Texas Water Code.

We ask that you review your internal procedures to ensure that such waste does not occur again. While we recognize that we do not appear to have any regulatory authority over SAWS, we will look at those whom we know we have regulatory authority over, as well as other avenues that we may have available to us to ensure that such waste does not occur again. We are happy to have discussions with you about this if we have misunderstood any of the facts cited above. We desire only good stewardship in the resource that our Board has been tasked with regulating with an eye on conservation. We hope that you will join us in that desire for good stewardship as we move forward.

Respectfully,



Sidney Youngblood
Chairman

cc: POSGCD Board of Directors
EPCOR
Blue Water Vista Ridge
Texas Commission on Environmental Quality
Hon. Keith Schroeder, Burlson County Judge
Hon. Steve Young, Milam County Judge
Hon. Lois Kolkhorst, State Senator
Hon. Charles Schwertner, State Senator
Hon. Ben Leman, State Representative
Hon. Terry Wilson, State Representative