



## Post Oak Savannah Groundwater Conservation District

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P. O. Box 92  
Milano, Texas 76556

Phone: 512-455-9900  
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***VIA REGULAR AND CERTIFIED, RETURN RECEIPT REQUESTED***

***NO.*** \_\_\_\_\_

Ms. Jennifer Allis, Mc 160  
Texas Commission on Environmental Quality  
Water Conservation Section  
P.O. Box 13087  
Austin, Texas 78711

Re: Request for a formal investigation into water disposal from San Antonio Water System and possible waste

Dear Ms. Allis

I serve as chairman of the Post Oak Savannah Groundwater Conservation District ("District"). We are uncertain where to turn with the situation we have learned, but feel it important to at least pursue discussions with those who are tasked with the regulatory tasks of conservation in the realm of municipal water quality and usage, as well as seek a formal investigation into the matters as they unfolded, and whether, as we suspect, such disposal was waste.

The attached letter was sent to the San Antonio Water System ("SAWS") and outlines our concerns and provides details that we have learned as we investigated the matter. Basically, SAWS received, through the Vista Ridge pipeline, groundwater from wells drilled in our District and permitted under our rules for operating and transport. Such wells are leased by an entity Blue Water Vista Ridge. The Vista Ridge pipeline is currently operated by EPCOR who will handle operating the pipeline and delivering the water to the Agua Vista plant on the northwest side of San Antonio and part of the SAWS water system. EPCOR began delivering the water requested by SAWS to SAWS in April, 2020. Upon receipt of the water, testing of both the Agua Vista plant and the mixing of the water with the current water used by SAWS was necessary to ensure the plant worked and the mixture of water correct for delivery to the customers in certain areas of SAWS distribution system. We have been informed that the gallonage that needed to be minimally transported through the Vista Ridge pipeline was 20 mgd. Unfortunately, only 10 mgd was required to test the plant and pipelines as well as the mixture with the current water used by SAWS and SAWS disposed of the other – unused and unneeded – water (10 mgd) into Mud Creek which is next to the plant. This occurred from the time they received the water, believed to be April 15, 2020, until June 11 or 12, 2020 after inquiries by our District General Manager and encouragement to cease such disposition. There was nothing wrong with the water – it was simply not needed and not used – and the customers of SAWS paid for it.

The reason that the District remains concerned with this action is that while we are tasked with regulating the pumping and transport of groundwater within our District's boundaries, as well as conservation of the water located originally in the District's area, we are not a regulatory body that appears to have authority over SAWS or EPCOR. The Board does have authority and is undertaking a review of the permitholders and their knowledge and ability to address this disposal which we believe is definitionally within Chapter 36, Texas Water Code and

constitutes waste thereunder. Permit holders are tasked under their permits to ensure that all groundwater is put to beneficial use and not allow any waste. The gap here is that the water conservation plan adopted by SAWS is applicable predominantly if not solely to its customers and totally ignores its own requirement per 11.093, Texas Water Code, to abate waste. Specifically, subsection (a) *seems* to prohibit such waste.

- a) A person who permits an unreasonable loss of water through faulty design or negligent operation of any waterworks using water for a purpose named in this chapter commits waste, and the commission may declare the works causing the waste to be a public nuisance. The commission may take the necessary action to abate the nuisance. Also, any person who may be injured by the waste may sue in the district court having jurisdiction over the works causing the waste to have the operation of the works abated as a public nuisance.

So, we turn to you to see if there is any regulatory authority to cause an investigation to be undertaken to determine whether there was waste in the actions of SAWS, to determine what can be done to prevent future occurrences of waste from occurring and whether there is an ability to strengthen the water conservation plans required of water providers to allow water coming from groundwater wells through a pipeline to be included in such water conservation plan mandates.

Please let me or our General Manager Gary Westbrook know if there is any discussion or information you may need to review this matter further, as well as whether this is a matter that can even be explored by your department (or if not your department, then is there another department that might). We appreciate any assistance you may be able to provide.

Respectfully,



Sidney Youngblood

cc: San Antonio Water System – Board of Trustees  
Blue Water Vista Ridge, LLC  
Hon. Steve Young, Milam County Judge  
Hon. Keith Schroeder, Burleson County Judge  
Hon. Lois Kolkhorst, State Senator  
Hon. Charles Schwertner, State Senator  
Hon. Ben Leman, State Representative  
Hon. Terry Wilson, State Representative