

**POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT**  
**Public Hearings**  
**Post Oak Savannah Groundwater Conservation District**  
**District Offices**  
**310 East Avenue C**  
**Milano, Texas 76556**  
**July 27, 2021 – 3:00 P.M.**

**MINUTES**

**POSGCD Board Members Present**

Sidney Youngblood – in person  
Steven Wise – in person  
Ed Savage – in person  
Jay Wilder – in person  
Becky Goetsch – in person  
Bob Wilson – in person  
Ward Roddam – in person  
Lee Alford – in person  
Dana McClaren – via phone

**Board Members Absent**

Tommy Tietjen

**Applicant Representation (in person)**

Tommy Hodges	Alcoa
Roger Nevola	Alcoa/Legal
Alan Gardenhire	Alcoa
Bob Harden	Alcoa/HHE

**POSGCD Representation (in person)**

Gary Westbrook	POSGCD General Manager
Steve Young	Intera/ District Consultant
Barbara Boulware-Wells	The Knight Law Firm

**POSGCD Staff Present**

Bobby Bazan – in person  
Elaine Gerren – in person  
Doug Box – in person  
Craig Andrews – via online  
Jordan Aldridge – via online

**Public Attendance (in person)**

Paul Terrill	Terrell & Waldrop/Blue Water
Ross Cummings	Blue Water
James Bene	R.W. Harden & Associates
Barbara Holly	City of Rockdale City Manager

**Public Attendance (online or via phone)**

Michele G. Gangnes	League of Independent Voters
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Judith McGeary  
Linda Curtis  
Jim Totten  
Jay Davis  
Shan Rutherford  
Jaelyn Robertson  
John Siefert  
Zach Holland  
Travis Brown  
Janiel Smith  
e6530  
Amy Jurica Hinnant  
Andrew Donnelly  
GB Neal  
John Hofmann  
Kathryn Roddam  
Amy Muttoni  
Stefan Schuster  
Michael Irlbeck  
12106022220  
15124300944  
12542394767  
15124302830  
15124975038  
12544820545  
12813824141  
15124300891  
15125600341  
15128181979  
15129174800  
KRXT Radio  
Calvin Whitely  
Curtis Chubb  
Becky Shirley  
Blaire Parker  
Lyn Clancy  
Blodgett, Terry L.  
Brian Limoges  
Cathy Dominguez  
Paul Brandenburg  
Suzanne Forsyth  
Herbert Cook  
Monica Masters  
Rob Bear  
Tha Blodg  
David Wheelock  
Mike Connor  
Ed McCarthy  
Marty Jones  
Edward Lewis

Farm & Ranch Freedom Alliance  
SAWDF  
LPGCD  
KMIL Radio  
Terrell & Waldrop  
TWRI  
Brazos Valley GCD  
Blue Bonnet GCD  
Lee County Landowner

Burleson County Landowner  
D.B. Stephens

Milam County Landowner  
Brazos River Authority  
EPCOR  
EPCOR

SAWS  
LCRA

Milam County Landowner  
BRA

Milam County Landowner  
Lost Pines GCD

LCRA  
Milam County Landowner  
McCarthy & McCarthy  
Sprouse Law Firm  
Burleson County Landowner

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PUBLIC HEARINGS

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**1. Pledge of Allegiance**

Director Jay Wilder led the Pledge of Allegiance to both the United States and Texas flags

**2. Invocation**

Director Steven Wise gave the invocation.

**3. Call to Order and establish quorum**

President Youngblood established a quorum with 8 Directors present in person and 1 Director present via phone at 3:11 pm.

**4. Preliminary Hearing – Taking up by Presiding Officer any requests for affected party status and a contested case hearing.**

President Youngblood stated the purpose for the preliminary hearing, identified himself as the presiding officer, and summarized the process.

President Youngblood swore in representatives from Alcoa USA Corp. (Alcoa), Tommy Hodges, Roger Nevola, Alan Gardenhire, and Bob Harden.

Mr. Hodges presented a Position Statement on the applications which were the subject of the hearings. He then answered questions of clarification from the Board.

President Youngblood identified two parties who had filed for affected party status, Blue Water I-130 Project (BWI) and the City of Rockdale.

President Youngblood swore in representatives from BWI, Ross Cummings, Paul Terrill, and James Bene, and representative from the City of Rockdale, Ms. Barbara Holly.

Mr. Terrill presented the request from Blue Water for party status.

Ms. Holly presented the request from Rockdale for party status.

Mr. Hodges and Mr. Nevola respond on behalf of Alcoa to both requests.

Parties exchange responses.

Barbara Boulware-Wells, District General Counsel, provides clarification on Rules concerning party status.

Mr. Terrill reiterated BWI desire to be named a party but agreed BWI does not contest the application.

Mr. Nevola agrees Alcoa finds it acceptable for BWI to remain a party as long as not allowed to contest.

The Board questions all parties.

President Youngblood convenes into Executive Session at 4:32 p.m.

Reconvene from Executive Session into regular session at 5:21 p.m.

Ms. Holly withdraws request of City of Rockdale for party status.

President Youngblood asks for public comment before making decision on party status concerning BWI.

Ken Forsyth provides comment in support of BWI receiving party status.

Judith McGeary provides comment in support of BWI receiving party status.

No further public comment is offered.

President Youngblood accepts and conditionally approves request from BWI for party status.

- 5. Public Hearing on Amendments to Existing Drilling and Operation Permit. Alcoa USA Corp.** (Alcoa), whose address is P.O. Box 1491, Rockdale, TX 76567, submitted an application on May 17, 2021, to amend Alcoa's existing Drilling and Operating Permit No. POS- D&O 0148, as amended (Permit 0148). Permit 0148 currently authorizes Alcoa to produce 25,000 acre-feet of water per year from the Simsboro formation from a system of 56 wells (32 of which are existing dual use historic use wells authorized to be used under both Alcoa's Historic Use Permit and Permit 0148, and 24 of which are permitted but not yet constructed wells authorized to be used under Permit 0148) located on the nearly 25,000 acres of land and groundwater rights overlying the Simsboro that Alcoa owns in Milam County. The water is currently authorized to be used for industrial use on Alcoa's Milam County property. Alcoa requests that Permit 0148 be amended to (1) authorize use of the water for the following purposes: municipal, industrial, manufacturing, and commercial; and (2) authorize use of the water anywhere within Milam County (which is within the District), and anywhere within Williamson County and three counties that are adjacent to Williamson County: Lee, Travis, and Bell Counties (all four of which are outside the District). No change in location or modification of any of the 56 currently authorized wells is requested. No increase in the currently authorized 25,000 acre-feet per year aggregate annual production under Permit 0148 or the currently authorized rate of production from any well is requested. The permit currently has a term that ends November 13, 2052. Alcoa requests that the term be extended approximately 9 years, to a date that is 40 years from the date of issuance of the amended permit.
- Presentation by Applicant of Direct Case
  - Cross Examination of Witnesses from Applicant's Direct Case
  - Presentation by District of any Direct Case
  - Cross Examination of Witnesses from District's Direct Case
  - Redirect by Applicant of any additional information or witnesses
  - Cross Examination by District of any Redirect
  - Redirect by District of any additional information or witnesses
  - Cross Examination by Applicant of any Redirect
  - Oral Arguments and Closing
- 6. Public Hearing on Application for a Transport Permit. Alcoa USA Corp.** (Alcoa), whose address is P.O. Box 1491, Rockdale, TX 76567, submitted an application on May 17, 2021, for a Transport Permit to authorize transport from the District of 25,000 acre-feet of water per year produced from the Simsboro formation under Alcoa's Permit 0148, as that permit is requested to be amended, for use anywhere in Williamson County and three counties that are adjacent to Williamson County: Lee, Travis, and Bell Counties (all four of which are outside the District). Less than 25,000 acre-feet of water per year will be transported for use outside the District if a portion of the 25,000 acre-feet per year authorized aggregate annual production under Permit 0148 is committed for use and actually used in Milam County (which is inside the District). Alcoa requests that the term of the Transport Permit be 40 years from the date of issuance of the permit, to match the requested extended term for Alcoa's Permit 0148.
- Presentation by Applicant of Direct Case
  - Cross Examination of Witnesses from Applicant's Direct Case
  - Presentation by District of any Direct Case
  - Cross Examination of Witnesses from District's Direct Case
  - Redirect by Applicant of any additional information or witnesses

- **Cross Examination by District of any Redirect**
- **Redirect by District of any additional information or witnesses**
- **Cross Examination by Applicant of any Redirect**
- **Oral Arguments and Closing**

President Youngblood opened both Agenda item 5 and 6 simultaneously.

Applicant noted that they didn't have anything more from what was stated in their Position Statement but would respond to any questions.

District provided information to the Board on the Applications through Mr. Westbrook and Mr. Young as well as responding to questions from the Board.

BWI provided brief information related to the Applications and their position as well as noted comments related to the District.

President Youngblood received questions from the Board for Applicant, District and BWI.

## **7. Public Comments on Public Hearing**

Public Comment was offered by the following persons:

Don Mundine

Jeff Howell

Ken Forsyth

Suzanne Forsyth

Don Shuerman

Calvin Whitely

Curtis Chubb

Brian Limoges

## **8. Presiding Officer shall Close the Record**

President Youngblood closed the record at 8:54 pm

President Youngblood recessed the meeting at 9:15 pm and stated the hearings would be reconvened prior to the next regular Board Meeting of August 10 to take up items 9 and 10.

- 9. Consider Amendments to Existing Drilling and Operation Permit. Alcoa USA Corp. (Alcoa), whose address is P.O. Box 1491, Rockdale, TX 76567, submitted an application on May 17, 2021, to amend Alcoa's existing Drilling and Operating Permit No. POS- D&O 0148, as amended (Permit 0148). Permit 0148 currently authorizes Alcoa to produce 25,000 acre-feet of water per year from the Simsboro formation from a system of 56 wells (32 of which are existing dual use historic use wells authorized to be used under both Alcoa's Historic Use Permit and Permit 0148, and 24 of which are permitted but not yet constructed wells authorized to be used under Permit 0148) located on the nearly 25,000 acres of land and groundwater rights overlying the Simsboro that Alcoa owns in Milam County. The water is currently authorized to be used for industrial use on Alcoa's Milam County property. Alcoa requests that Permit 0148 be amended to (1) authorize use of the water for the following purposes: municipal, industrial, manufacturing, and commercial; and (2) authorize use of the water anywhere within Milam County (which is within the District), and anywhere within Williamson County and three counties that are adjacent to Williamson County: Lee, Travis, and Bell Counties (all four of which are outside the District). No change in location or modification of any of**

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- grant the Amendment;
- grant the Amendment with special conditions; or
- deny the Amendment.

10. Consider Application for a Transport Permit. Alcoa USA Corp. (Alcoa), whose address is P.O. Box 1491, Rockdale, TX 76567, submitted an application on May 17, 2021, for a Transport Permit to authorize transport from the District of 25,000 acre-feet of water per year produced from the Simsboro formation under Alcoa's Permit 0148, as that permit is requested to be amended, for use anywhere in Williamson County and three counties that are adjacent to Williamson County: Lee, Travis, and Bell Counties (all four of which are outside the District). Less than 25,000 acre-feet of water per year will be transported for use outside the District if a portion of the 25,000 acre-feet per year authorized aggregate annual production under Permit 0148 is committed for use and actually used in Milam County (which is inside the District). Alcoa requests that the term of the Transport Permit be 40 years from the date of issuance of the permit, to match the requested extended term for Alcoa's Permit 0148. The Board may:

- grant the Application;
- grant the Application with special conditions; or
- deny the Application.