

**POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT
Board of Directors Meeting
POSGCD District Offices
310 East Avenue C
Milano, TX 76556
March 14, 2023 – 5:30 p.m.**

MINUTES

POSGCD Board Members Present

Ward Roddam
Jay Wilder
Tommy Tietjen
Steven Wise
Becky Goetsch
Bob Wilson
Kit Worley
John Redington
Buster Evers

Board Members Absent

Ed Savage

POSGCD Staff Present

Gary Westbrook
Doug Box
Courtney Gentry
Michael Redman
Kelli Timmerman
Gregory Perry

POSGCD Consultants Present

Barbara Boulware-Wells	The Knight Law Firm
Dr. Steve Young	Intera

Public Attendance

Shan Rutherford	Terrill & Waldrop
Stefan Schuster	EPCOR
Jaclyn Wise	TWRI/AgriLife
Camden White	City of Caldwell
Sidney Youngblood	Landowner

Public Attendance via online

James Bené	RW Harden
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Amy Jurica
Blaire Parker
Craig Andrews
623-910-5691

Landowner
SAWS
POSGCD

Board Meeting

1. Pledge of Allegiance

Director Jay Wilder led the pledges to the flags of the United States and Texas.

2. Invocation

General Manager Gary Westbrook gave the invocation.

3. Call to Order and establish quorum

Board President Ward Roddam called the meeting to order at 5:35 p.m.

4. Public Comment

No public comments were made.

5. Consent Agenda – *All of the following items on the Consent Agenda are considered to be self-explanatory by the Board and will be enacted with one motion. There will be no separate discussion of these items unless a Board Member requests.*

a) Minutes of January 10, 2023 Board Meeting and January 19, 2023 Public Hearings

b) 2022 Annual Report

c) Board Committee Assignments for 2023

d) Update on Aquifer Conservancy Program (ACP) enrollments

e) Water Well Monitoring Update: Number of wells and frequency of measurements

f) Groundwater Well Assistance Program (GWAP) Update: Investigations and corrective actions taken

g) Bills received, current financial status, Investment Officer Report

h) Review of Recent Education Efforts and Activities

i) Receive report from General Manager on recent District activities and take appropriate actions

1. Permit applications filed with the District and Hearing Dates; Emergency Permits Granted

2. Well Drilling activities: registrations, applications, completions, plugging, inspections

3. Recent and future District presentations and activities

a. Panel Participation on Groundwater Availability at Water for Texas Conference of Jan. 23-25, 2023

- b. Texas Water Conservation Association (TWCA) Conference of March 1-3, 2023**
- c. Texas Alliance of Groundwater Districts (TAGD) Meetings of March 9-10, 2023**
- d. EarthKind Class with Texas A&M AgriLife of March 10, 2023**
- e. Water Classes for Master Gardeners of March 10, 2023**
- f. Water Classes for Master Naturalists of March 11, 2023**
- g. Groundwater Conservation Grant Applications due April 21, 2023**
- h. Milam and Burleson Counties Groundwater Summit August 17, 2023**
- i. Texas Groundwater Summit of August 29-31, 2023**
- j. District General Manager elected to Brazos G Regional Water Planning Group Executive Committee**

President Roddam asked for a motion to approve the Consent Agenda as presented. Director Tommy Tietjen moved to approve the Consent Agenda as presented and was seconded by Director Wilder. President Roddam asked for a vote from the Board and the motion to approve the consent agenda was unanimous of all present.

6. Execution of contract with SOAH as requested by SLR to conduct Public Hearings (Preliminary and Evidentiary) for SLR Property I, LP applications to-wit:

- a. October 14, 2022 Application by SLR Property I, LP (SLR) for a new 15,000 AF/Yr Simsboro Operating Permit**
- b. October 14, 2022 Application by SLR Property I, LP (SLR) for a new 9,000 AF/Yr Simsboro and Hooper Drilling and Operating Permit**

Agenda Items 6.a. and 6.b. were addressed simultaneously.

GM Westbrook spoke about the Board's approval to move SLR Hearings to State Office of Administrative Hearings (SOAH). The contract was received and approval from the Board for execution of the contract by the Board President and General Manager is now needed. GM Westbrook reminded the Board that the funds in the contract will be collected from the applicant prior to scheduling with SOAH.

President Roddam asked for a motion to approve this agenda item as requested. Director Wilder moved to approve the execution of the contract with SOAH and was seconded by Director Steven Wise. The motion to approve the execution of the contract with SOAH was unanimous of all present.

The Board convened into executive session at 5:39 p.m. The Board reconvened into regular meeting at 6:32 p.m. No decisions were made during executive session.

7. Regular Agenda

a) Consider Report and Recommendations from Rules Committee concerning Draft Rules for posting for public hearings, including but not limited to Section 1.1 Definition of Terms, Section 4.1 Required Spacing, Section 4.3 Monitoring Requirements, Section 5 Production Limitations, Section 7.1 General Permit and Registration Provisions, Section 7.4 Application Requirements for All Permits, Section 7.7 Permits Issued by the District, Section 7.12 Drilling Permits, Section 7.15 Operating Permits, Section 8.5 Exempt Wells and Discharges Under State Permits, Section 12 Well Location and Completion, Section 13.1 Waste, Section 16.4 Actions Based on Monitoring Results, Section 16.5 Reductions Required by Regulatory Action, New Section 16.5 Five Year Reviews, Section 16.6 Adjusting Maximum Production Permitted, Section 16.7 Permit Limitations and Reductions

Director Becky Goetsch, chairman of the Rules Committee, thanked the Rules Committee and POSGCD General Counsel, Barbara Boulware-Wells, for their work on the draft amendments to the Rules. GM Westbrook noted that the drafts were discussed at the last Board Meeting and that the drafts have been posted on the website since last week and will remain there. Clarification and tweaks to Rules sections which pertain to hearings are posted in a separate document on the website. The Rules Committee's recommendation is to post the Draft Rules for Public Hearing and have the hearing at the April 11th, 2023 Board Meeting.

President Roddam asked for a motion to approve posting the Draft Rules for Public Hearing based on the Rules Committee's recommendation. Director Tietjen moved to approve posting the Draft Rules for Public Hearing and was seconded by Director Bob Wilson. Approval of posting the Draft Rules for Public Hearing was unanimous of all present.

b) Execute contract with Goodwin-Lasiter-Strong for Professional Architech/Engineering and Service Agreement for Architectural/Engineering and Construction Phase services for the new POSGCD offices, education and meeting center.

Director Buster Evers stated a draft contract has been written, but there are still some undefined areas. Director Evers stated he is waiting for more discovery before he can agree to recommend to execute the contract and requested more time from the Board to get a very clear scope of work and contract from GLS. President Roddam thanked Director Evers for his recommendation and stated no action would be taken on this agenda item.

c) Consider increase in amount paid by District for cost share for plugging abandoned water wells from a maximum total of \$2500 to \$3500 per well qualified under the District's water well plugging programs

GM Westbrook spoke about the recent increase in cost of materials and plugging expenses. Each year \$25,000 is budgeted for well plugging, but the District has never used the full amount. He stated he believes this update to the cost share would be appropriate based on well plugging estimates that have been received in the past few months.

President Roddam asked for a motion to increase the amount paid by the District to plug abandoned water wells from the existing amount of \$2,500 to \$3,500. Director Kit Worley moved to approve the increase and was seconded by Director Goetsch. Approval of the increase in well plugging cost sharing was unanimous of all present.

d) Consider and act upon all matters incident and related to an Interlocal Agreement regarding Groundwater Management Area 8 Funding participation for Northern Trinity and Woodbine Aquifers Groundwater Availability Model Update

GM Westbrook spoke about the current state of GMA 8. He noted the expense of the update to the model would cost a little over \$591,000 over a 2-year period. The Districts in GMA 8 are considering cost sharing. Intera is the builder of the model and will be updating the model. Currently, there is not a thorough evaluation of the Trinity Aquifer performed in Milam County. There are not currently any permitted or exempt wells in the Trinity Aquifer in Milam County.

After discussion with the Advisory Committee and Dr. Steve Young, the recommendation is to participate at less than a full share. The Advisory Committee's recommendation is participation at a level of \$20,000 each for the next two years and to require three additions to scope of work in Milam County. The three additions would include: require Intera to evaluate 12 additional geophysical well logs across the Trinity in Milam County and to revise the stratigraphy of the formations, improve estimates for water quality, and refine the location and offset of faulting in the area. The additions would provide a much better basis for information that would be used to make determinations on management in the future and improve understanding of brackish water in the aquifer.

President Roddam asked for a motion to approve this agenda item as presented by GM Westbrook. GM Westbrook clarified approval would require an amendment to the District budget later this year. Director Wilder moved to approve this agenda item and was seconded by Director Tietjen. Approval was unanimous of all present.

e) Requests to amend application, scope of work, and award of Groundwater Conservation Grants

i. City of Rockdale

GM Westbrook stated that City of Rockdale received a grant 2 years ago for work on their Mill Street pump station. It became necessary to expand the work. They are currently under budget. The request to amend the scope of work would be consistent with things done in the past and consistent with the original application. There are two items in the amendment request that are not consistent with the original application and would be inconsistent with things done in the past. The Grant Committee's recommendation is to approve the amendment for \$14,950 for additional work on the piping in the Mill Street pump area.

President Roddam asked for a motion to approve the City of Rockdale's amendment request as recommended by the Grant Committee. Director Worley moved to approve the City of Rockdale's amendment request as recommended by the Grant Committee and was seconded by Director Wise. Approval was unanimous of all present.

ii. City of Somerville

The City of Somerville received a grant which would require the replacement of some 6" waterline. They discovered that part of that waterline was actually 2" waterline. This would constitute a change in the scope of work. Replacing 2" line with 6" at the District's expense would not be consistent with what the Grant Committee and the Board have allowed in the past. The District does not upgrade facilities; although, upgrades are allowed during the process of grant work at the expense of the applicant. In this case, the scope of work would need to be amended to include the excavation of 2" line to be replaced with 6" line with reimbursement from the District based on the cost of the 2" line. The expense to upgrade to the 6" line would be the responsibility of the City of Somerville. This is the recommendation of the Grant Committee.

President Roddam asked for a motion to approve this amendment to the City of Somerville's grant as recommended by the Grant Committee. Director Wilder moved to approve this amendment to the City of Somerville's grant as recommended by the Grant Committee and was seconded by Director Goetsch. Approval was unanimous of all present.

iii. Cade Lakes Water Supply Corporation

Cade Lakes WSC's 2021 grant was approved by the Board in 2021 and a scope of work was amended shortly after. The remaining balance of their grant included replacement of 4" waterline, but they had trouble locating the materials due to supply issues during late 2021 and early 2022. During the time spent waiting for materials to become available, they did a re-evaluation of their system and requested to amend the scope of work to change the location from the approved location to a separate location in their CCN. The Grant Committee believes this is inconsistent with amendments allowed in the past and recommended Cade

Lakes WSC be given an extension of time so they may complete the work in the approved areas.

President Roddam asked for a motion to approve the extension for Cade Lakes WSC Grant as recommended by the Grant Committee. Director John Redington moved and was seconded by Director Worley. Approval was unanimous of all present.

f) Update from Legislative Committee on bills filed during the current legislative session

GM Westbrook presented a report of bills filed and answered questions from the Board. President Roddam thanked GM Westbrook for his report.

g) Request for variance to permitted instantaneous rates of production by Vista Ridge, LLC, for water wells permitted by the District as PW-9, PW-10, PW-11, PW-12, PW-13, PW-15, PW-16, PW-17, and PW-18

GM Westbrook provided an update to the Board during Executive Session concerning a draft request from Vista Ridge arising from recent discussions with the District concerning the District's Rules concerning unreasonable impacts and possible exploration and testing of the capabilities of the well field response in transferring a portion of Carrizo production to the Simsboro. The GM and Board are appreciative of these efforts and look forward to the request being finalized and presented to the Board for action at a later date.

h) Sponsorship for Texas Groundwater Summit of August 29-31, 2023

GM Westbrook noted that POSGCD has participated with a Video/Livestream sponsorship in the amount of \$2,500 each of the last 2 years, and the Advisory Committee recommends continuing that sponsorship for the 2023 Summit, and empower GM Westbrook to execute that contract on behalf of the District.

President Roddam asked for a motion to approve the contract and allow the contract to be executed by GM Westbrook. Director Redington moved to approve the contract and to be executed by GM Westbrook and was seconded by Director Evers. Approval was unanimous of all present.

8. Dates, locations and times of future meetings

President Roddam noted the next meeting will be held on April 11, 2023.

9. Adjourn Board Meeting

The Board Meeting adjourned at 7:08 p.m.

THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON MARCH 14, 2023 WERE APPROVED AND ADOPTED BY THAT BOARD ON _____

Ward Roddam, President

Attest:

Gary Westbrook, General Manager

Date _____