

**POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT
Public Hearings & Board of Directors Meeting
POSGCD District Offices
310 East Avenue C
Milano, TX 76556
April 11, 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
Ed Savage

Board Members Absent

None

POSGCD Staff Present

Gary Westbrook
Doug Box
Courtney Gentry
Michael Redman
Kelli Timmerman
Gregory Perry
Jeff Fisher
Craig Andrews

POSGCD Consultants Present

Barbara Boulware-Wells The Knight Law Firm

Public Attendance

Shan Rutherford	Terrill & Waldrop
Stefan Schuster	EPCOR
Jaclyn Wise	TWRI/AgriLife
Reyse Jatzlau	EPCOR
Andy Wier	SAWDF
Alan Gardenhire	SLR

Public Attendance via online

James Bené
Amy Ochello

RW Harden

Board Meeting

1. Pledge of Allegiance

Director Becky Goetsch 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 5:34 p.m.

4. Public Comment

No public comments were made.

5. Public Hearing on Rules: 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 7.6 Considerations for Granting Permits, Section 7.7 Permits Issued by the District, Section 7.10 Exempt Well Status, Section 7.12 Drilling Permits, Section 7.13 Drilling or Operating a Well, 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 14 Hearings, 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

President Roddam opened the Public Hearing at 5:35 p.m. GM Westbrook noted that the draft Rules amendments to be considered have been posted on the District website, with the first set dealing with general amendments reviewed at the Board's January 10, 2023 Board meeting, and second set dealing with public hearings reviewed at the Board's March 14, 2023 meeting. He also noted that for convenience last week, a composite of all draft amendments was posted to the website. He notified the Board that two sets of comments were received today and those comments were included in the Board's meeting packets and posted to the District website as well.

GM Westbrook presented a review of the first set of comments submitted by Bob Harden on behalf of Alan Gardenhire of SLR and answered questions from the Board. GM Westbrook recommended that the Rules Committee review these comments at a later date, but still move forward with the Public Hearing.

Barbara Boulware-Wells presented a review of the second set of comments submitted by Molly Cagle on behalf of SLR. Mrs. Boulware-Wells noted that she believed these comments on the Rules could be beneficial to review and was not opposed delaying consideration of this set of comments until the next meeting to provide the Board and Rules Committee a chance to review and discuss. Director Goetsch noted the amount of time and work put into this work and stated she would like to proceed with consideration of the draft amendments to the Rules, but consider and discuss these comments in the next amendments to be considered.

Shan Rutherford, representing BlueWater I-130, made comment on Rules Sections 7, 16, and 14. President Roddam thanked Mr. Rutherford for his comments.

President Roddam asked for any additional comments regarding the Public Hearing. No comments were made. He closed the Public Hearing at 5:51 p.m.

6. 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 March 14, 2023 Board Meeting**
- b) Update on Aquifer Conservancy Program (ACP) enrollments**
- c) Water Well Monitoring Update: Number of wells and frequency of measurements**
- d) Update on Aquifer Conservancy Program (ACP) enrollments**
- d) Groundwater Well Assistance Program (GWAP) Update: Investigations and corrective actions taken**
- e) Bills received, current financial status, Investment Officer Report**
- f) Review of Recent Education Efforts and Activities**
- g) 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. Groundwater Conservation Grant Applications due April 21, 2023**
- b. Milam and Burleson Counties Groundwater Summit August 17, 2023**
- c. Texas Groundwater Summit of August 29-31, 2023**
- d. Retirement of District assets**
- e. Increase permitted production for City of Snook from 180 acre feet per year to 200 acre feet per year under Rule 5.5**
- f. Report on legislation filed during the 88th Session of the Texas Legislature**
- g. Agriculture Producers Irrigation Efficiency Workshop of April 27, 2023**
- h. Groundwater Rights and Real Estate Seminar of June 27, 2023**

President Roddam asked if there were any questions or comments regarding the Consent Agenda. GM Westbrook stated there was a request to pull item 6.g.3.f, "Report on legislation filed during the 88th Session of the Texas Legislature" and move it into the Regular Agenda for discussion. President Roddam approved this change. Item 6.g.3.f "Report on legislation filed during the 88th Session of the Texas Legislature" was moved to the bottom of the Regular Agenda.

Director Steven Wise asked for a water well monitoring network update and if the District has been able to access any new monitoring wells in strategic places. GM Westbrook stated this work had been published and this effort has currently slowed down due to annual and quarterly water level monitoring being done currently but would resume upon completion of this effort. Director Wise asked if there was a way to quantify how many more monitoring wells are needed. GM Westbrook stated no evaluation based on quantity has been done except for the Carrizo, and 10 additional Carrizo wells in identified areas are desired. He noted that 3 of the 10 desired additional Carrizo wells have been added in those areas which have been highlighted. He also noted the District would continue to notify the public of areas in which the District is seeking to add monitor wells.

Director Wise asked about item 6.d, Groundwater Well Assistance Program (GWAP) Update: Investigations and corrective actions taken. He stated he noticed a \$40,000 item on the GWAP financials and wanted clarification. GM Westbrook provided explanation.

President Roddam asked for a motion to approve the Consent Agenda as presented with the removal of item 6.g.3.f "Report on legislation filed during the 88th Session of the

Texas Legislature,” to be added to the Regular Agenda. Director Jay Wilder moved to approve the Consent Agenda and was seconded by Director Ed Savage. Approval of the Consent Agenda was unanimous of all present.

7. Regular Agenda

a) Discussion and possible action on Amending the Rules: 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 7.6 Considerations for Granting Permits, Section 7.7 Permits Issued by the District, Section 7.10 Exempt Well Status, Section 7.12 Drilling Permits, Section 7.13 Drilling or Operating a Well, 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 14 Hearings, 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

President Roddam asked for questions or comments regarding this agenda item.

Director Wise asked Mrs. Boulware-Wells if she shared Mr. Rutherford’s interpretation of the timing issues he made previous comment on. Mrs. Boulware-Wells stated she understood Mr. Rutherford’s concern regarding the District providing adequate timing for aspects of Hearings in Section 14 but that this was not a new timeline and had not been a problem previously. She stated she believed it could be discussed and reviewed at a later date even if approved today.

President Roddam asked if the Board desired to take action on item 7 of the agenda.

Director Buster Evers moved to take action on item 7 to adopt the proposed amendments as presented and was seconded by Director John Redington. The motion passed unanimously 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 Evers noted that GM Westbrook, Gregory Perry and himself had a meeting with GLS yesterday and gave an update regarding that meeting and the contract, including some minor clarifying language added by Mr. Perry. He recommended the Board approve the execution of the contract with GLS. President Roddam asked for a motion to execute the contract with GLS. Director Wilder moved to approve executing the contract with GLS and was seconded by Director Tommy Tietjen. The motion passed unanimously of all present.

c) District Investigation into violation of Rules of the District and Texas Department of Licensing and Regulation in drilling and improper completion o

f) water well by individual without a license

GM Westbrook stated the draft report of this investigation was posted on the website. The investigation has been reported to the Advisory Committee and Texas Department of Licensing and Regulation. The Advisory Committee is providing oversight and the District is proceeding with enforcement.

d) Introduction and Discussion of purpose and use of interactive Driller's Guidance Tool on District website

Michael Redman reviewed the new Driller's Guidance tool on the website and answered questions from the Board. Director Wise noted how valuable and important this tool is to landowners and water well drillers.

President Roddam convened the Board into Executive Session at 6:21 p.m. The Board reconvened into Regular Session at 7:21 p.m. No action was taken during executive session.

e) Temporary permit amendment to permit POS-D&O/A&M-0001e instantaneous rates of production for Vista Ridge, LLC, Simsboro production water wells designated as PW-11, PW-13, PW-15, PW-16, AND PW-17

President Roddam asked the Board if there was interest in action on this item. Director Kit Worley moved to approve the temporary permit amendment and have it signed by the GM Westbrook. The motion was seconded by Director Wise. Approval of the temporary permit amendment was unanimous of all present.

f) (moved from 6.g.3.f above) Report on legislation filed during the 88th Session of the Texas Legislature

GM Westbrook asked if there were any questions on any of the Bills included in the report. No questions were asked or comments made.

8. Dates, locations and times of future meetings

President Roddam noted the next meeting will be held on May 9, 2023.

9. Adjourn Board Meeting

The Board Meeting adjourned at 7:23 p.m.

THE ABOVE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT HELD ON APRIL 11, 2023 WERE APPROVED AND ADOPTED BY THAT BOARD ON _____

Ward Roddam, President

Attest:

Gary Westbrook, General Manager

Date _____