

# Victoria County Groundwater Conservation District

THE STATE OF TEXAS  
VICTORIA COUNTY

The Board of Directors of the Victoria County Groundwater Conservation District convened a meeting at the Dr. Pattie Dodson Health Center, 2805 N. Navarro St., Room 108, Victoria, Victoria County, Texas, 77901 on October 21, 2022, at 9:00 AM.

## Meeting Attendance:

Precinct 1:	Mr. Jerry Hroch, Vice President	Present
Precinct 2:	Mr. Thurman Clements, Jr., Director	Present
Precinct 3:	Mrs. Barbara Dietzel, Secretary	Absent
Precinct 4:	Mr. Mark Meek, President	Absent
At Large:	Mr. Kenneth Eller, Director	Present
General Manager:	Mr. Timothy Andruss	Present
Legal Counsel:	Mr. James Allison	Present

## Agenda Items -

### 1. Call the meeting to order and welcome guests.

**Meeting Discussion:** Mr. Hroch called the meeting to order at 9:00 AM.

**Board Action:** None.

### 2. Receive public comments.

**Meeting Discussion:** None.

**Board Action:** None.

### 3. Consideration of and possible action on matters related to Groundwater Management including efforts and activities of the District regarding permitting, complaints, investigations, violations, and enforcement cases associated with permitting.

#### 3.0 – Report regarding Groundwater Management

**Meeting Discussion:** Mr. Andruss explained as of October 19, 2022, the District has initiated 99 permitting request cases (PRCs) since August 1, 2022. The District has 20 permitting request cases pending as of October 19, 2022.

As of October 19, 2022, the District has 23 investigations related to groundwater management.

As of October 19, 2022, the District has 2 open enforcement cases.

**Public Comment:** None.

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## 3.0.1 – Review of Permitting Request Cases

**Meeting Discussion:** Mr. Andruss explained as of August 1, 2022 there have been 99 permitting request cases initiated by the District. And as of October 19, 2022 there are 20 pending.

**Board Action:** None.

## 3.3 – Production Permit Renewals

**Meeting Discussion:** Mr. Andruss explained as of October 20, 2022, the District has 2 pending Applications to Renew a Production Permit.

Item 2 of RULE 4.9: PERMIT RENEWAL authorizes the renewal of production permits without a hearing provided that: "a. the application, if required by the district, is submitted in a timely manner and accompanied by any required fees in accordance with district rules; and b. the authorized operator is not requesting a change related to the renewal that would require a permit amendment under district rules."

Item 3 of RULE 4.9: PERMIT RENEWAL prohibits the renewal of production permits for which the applicant or authorized operator: "a. is delinquent in paying a fee required by the district; b. is subject to a pending enforcement action for a substantive violation of a district permit, order, or rule that has not been settled by agreement with the district or a final adjudication; or c. has not paid a civil penalty or has otherwise failed to comply with an order resulting from a final adjudication of a violation of a district permit, order, or rule."

The following applications are administratively complete but do not currently satisfy the requirements related to production permit renewal established by the Rules of the District:

1. None.

The following applications are administratively complete and satisfy the requirements related to production permit renewal established by the Rules of the District:

1. PRC-20220718-02 - ARPP-20220718-01 - WGFMIAMI, LLC - Pending
2. PRC-20220725-01 - ARPP-20220725-01/02 - Pioneer Natural Resources USA, Inc. - Pending

**Board Action:** Mr. Clements moved to authorize the general manager to issue production permit renewals for the permits associated with the following renewal requests:

1. PRC-20220718-02 - ARPP-20220718-01 - WGFMIAMI, LLC - Pending

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2. PRC-20220725-01 - ARPP-20220725-01/02 - Pioneer Natural Resources USA, Inc. – Pending

Mr. Eller seconded the motion. The motion passed unanimously.

## **3.4 – Investigations related to Failure to Obtain a Production Permit**

**Meeting Discussion:** Mr. Andruss explained as of October 20, 2022, the District had 16 open investigations regarding failures to obtain necessary production permits.

The District intends to focus its efforts on investigation INV-20221012.1537 through which the District is reconciling production permits to the list of public water systems with groundwater identified as the primary source of water. The District will postpone further processing of the other investigations related to failures to obtain a production permit until the rule revision process is completed.

**Board Action:** None.

## **3.5 – Investigations related to Production in Excess of Authorized Volumes**

**Meeting Discussion:** Mr. Andruss explained as of October 20, 2022, the District has 1 open investigation regarding production in excess of authorized volumes.

The District will postpone further processing of the other investigations related to production in excess of authorized volumes until the rule revision process is completed and the investigation is concluded.

**Board Action:** None.

## **3.6 – Investigation related Well Locations**

**Meeting Discussion:** Mr. Andruss explained as of October 19, 2022, the District has 6 active investigations regarding well locations of new wells. The District has determined that in many cases the issue with well coordinates reported on well driller logs is a result of coordinate conversions completed by the data entry system when well logs are entered by well drillers

**Board Action:** None.

## **3.7 – Enforcement Cases related to Failure to Report Groundwater Production in CY2021**

**Meeting Discussion:** Mr. Andruss explained as of October 20, 2022, the District has 2 open enforcement cases and 2 unresolved violations related to groundwater protection.

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The District has sent, via certified mail, a 1st Notice of Violation with settlement offer, a 2nd Notice of Violation with settlement offer, and attempted to deliver the 2nd Notice of Violation with settlement offer by hand-delivery in both cases.

The Enforcement Policy of the District (Policy - Enforcement - Adopted - 20131220) specifies that "Notice of Need to File Suit: If there is no satisfactory response within 30 days, the District's General Counsel shall send a letter (NTFS Letter) to the Alleged Violator(s) indicating the need to file suit if a satisfactory response is not received within 30 days. The NTFS Letter shall include a draft copy of the petition to be filed. The General Manager shall, at each regular meeting of the Board, inform the Board of any person who has received the third letter and not responded as of the Board meeting date. The Board may choose to authorize enforcement by filing a civil suit in the event the violator does not respond to the NTFS Letter."

**Board Action:** Mr. Clements moved to:

1. schedule formal hearings related to violation ECV-20220523-06 and violation ECV-20220523-10 on January 20, 2023, if the approved settlement offers are not consented to and completed by November 30, 2022, by the Alleged Violators;
2. instruct legal counsel to send a letter with the Notice of Need to File Suit to the Alleged Violators on or before October 30, 2022, indicating the need to file suit if the approved settlement offers are not consented to and completed by November 30, 2022; and
3. authorize legal counsel to file a civil suit in connection with enforcement case EC-20220524-04 or EC-20220524-08 in the event that either alleged violator does not respond to the letter with the Notice of Need to File Suit within 30 days of the transmittal of the Notice of Need to File Suit.

Mr. Eller seconded the motion. The motion passed unanimously.

## **4. Consideration of and possible action on matters related to Groundwater Protection including complaints, investigations, violations and enforcement related to groundwater contamination and waste**

### **4.0 – Report regarding Groundwater Protection**

**Meeting Discussion:** Mr. Andruss explained as of October 20, 2022, the District has 2 active investigations regarding potential contamination of groundwater.

The District would like to sample groundwater in the vicinity of the potential contamination sites and submit the samples to Pace Analytical for analysis of so-called "Level 4 Hydrocarbon Analytes". Recently, Pace had notified the District that analysis costs were increasing. On October 20, 2022, Pace provided the District with a quote for processing "Level 4 Hydrocarbon Analytes" samples.

Each sample will cost \$500.65 to measure the "Level 4 Hydrocarbon Analytes".

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**Board Action:** Mr. Clements moved to authorize the general manager to proceed with collecting three samples from water wells in close proximity to the potential contamination sites after obtaining quotes from other vendors not to exceed \$500 a sample. Mr. Eller seconded the motion. The motion passed unanimously.

## 5. Consideration of and possible action on matters related to Groundwater Monitoring.

### 5.0 – Report regarding groundwater Monitoring

**Meeting Discussion:** Mr. Andruss explained in light of the general disinterest by well owners to participate in water quality monitoring, the District intends to consolidate various baseline water quality monitoring projects of FY2022 in to a single, district-wide baseline water quality monitoring project for FY2023. Candidate wells will be identified by randomly selecting 20 wells within Victoria County with known depths. Well owners of the candidate wells will be contacted by the District seeking access to the wells for sampling purposes. Samples will be submitted to Pace Analytical for processing with an estimate cost of \$300 per sample.

The District intends to modify its synoptic aquifer monitoring program to focus on synoptic water level monitoring in the February to March timeframe and synoptic water quality monitoring (field conductivity measurements) in the August to September timeframe.

**Board Action:** Mr. Eller moved to authorize the general manager to implement a district-wide baseline water quality monitoring project for FY2023 and authorize the expenditure of \$6,000.00 for lab analysis work. Mr. Clements seconded the motion. The motion passed unanimously.

### 5.1 – Drought Monitoring

**Meeting Discussion:** Mr. Andruss explained The U.S. Drought Monitor (<https://www.drought.gov/states/texas/county/victoria>) indicates that 100% of Victoria County was experiencing abnormally dry conditions, 2.48 % was experiencing moderate drought conditions, 0.0% was experiencing severe drought conditions of Victoria County as of October 18, 2022.

**Board Action:** None.

## 6. Consideration of and possible action on matters related to Groundwater Conservation.

### 6.0 – Report regarding Groundwater Conservation

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**Meeting Discussion:** Mr. Andruss explained on September 29, 2022, Dr. LeSage-Clements of UHV informed the District that the student water quality camps proposed in the conservation promotion project by UHV were scheduled for October 8 and October 15, 2022.

**Board Action:** None.

## 7. Consideration of and possible action on matters related to Groundwater Resource Planning including Groundwater Management Area 15 Joint Planning and regional water planning.

### 7.0 – Report regarding Groundwater Resource Planning

**Meeting Discussion:** Mr. Andruss explained the representatives of Region L met on August 4, 2022, to continue efforts to develop the 2026 Regional Water Plan. The next meeting of Region L is scheduled for November 3, 2022.

The representatives of Management Area 15 met on October 13, 2022, to continue joint planning efforts. The next meeting of GMA 15 is scheduled for January 2023.

**Board Action:** None.

## 8. Consideration of and possible action on matters related to Groundwater Policy including the Management Plan of the District and draft revisions to the Rules of the District and fee schedule.

### 8.0 – Report regarding Groundwater Policy

**Meeting Discussion:** Mr. Andruss explained the staff of the District continue to draft revisions to the Rules of the District for the purposes of eliminating unnecessary regulations, streamlining procedures, improving groundwater regulation and long-term management of groundwater resources within Victoria County.

**Board Action:** None.

### 8.1 – Review of Draft Rule Revisions and Draft Fee Schedule

**Meeting Discussion:** Mr. Andruss explained on July 15, 2022, the Board passed a motion authorizing the general manager to transmit the draft rules to the members of the advisory committee and other interested parties. Prior to transmitting the draft rules, significant revisions were suggested by directors of VCGCD and TGCD.

In response to input received from directors from the cooperating districts and input received from legal counsel, a revised "management draft" of revisions to the rules of the district was developed. Despite management's efforts to address concerns

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raised by a director of the Texana GCD, that director's continuing concern that the advancement of the "management draft" would undermine public confidence and cooperation with the Texana GCD, an "alternate draft" of revision to the rules of the district was developed for Texana GCD. While this "alternate draft" for Texana GCD contains numerous improvements, it is not the recommendation of management that this approach be taken for revising the rules of the district. The primary revisions to the management draft were the inclusion of newly defined terms; the change of the notice of intent to place casing with the written notice of intent to drill a well with well driller and well owner acknowledgements of the notification of the existence of regulations established by the District regarding well spacing, production limitations, well registration, and production permitting; the elimination of district-specified well construction requirements; clarification of well owner responsibilities associated with a well allowing the commingling of undesirable water with desirable water; provision for plugging a deteriorated well by the District.

**Board Action:** Mr. Clements moved to:

1. designate the management draft of the rules of the district as the proposed rules of the district;
2. authorize the general manager to publicly post the proposed rules of the district for the purposes of accepting public;
3. authorize the general manager to notify and seek feedback from the member of the Advisory Committee, County of Victoria, City of Victoria, GBRA, WCID 1, WCID 2, realtor builders association and the Port of Victoria of the proposed rules of the district; and
4. post the required notices of a rulemaking hearing regarding the draft rules scheduled for January 20, 2023.

Mr. Eller seconded the motion. The motion passed unanimously.

## **9. Consideration of and possible action on matters related to Meeting Management including minutes of previous meetings.**

### **9.0 – Report regarding Meeting Management**

**Meeting Discussion:** Mr. Andruss explained the next meetings of the Board are scheduled for January 20, 2023, April 21, 2023, July 21, 2023, August 18, 2023, and October 20, 2023 with each meeting to convene at 9:00 AM. Special meeting may be scheduled to address unforeseen issues.

**Board Action:** Mr. Eller moved to adopt the proposed meeting schedule for CY2023. Mr. Clements seconded the motion. The motion passed unanimously.

### **9.1 – Minutes of Previous Meeting**

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**Meeting Discussion:** Mr. Andruss explained the minutes for the meeting held on August 19, 2022, and September 9, 2022, were sent to the board members prior to the meeting.

**Board Action:** Mr. Eller moved to accept and approve the meeting minutes as drafted. Mr. Clements seconded the motion. The motion passed unanimously.

## 10. Consideration of and possible action on matters related to Financial Management including the Annual budget of the District, Bank Accounts, Investments, Financial reports of the District, Bills and Invoices of the District.

### 10.0 – Report on Financial Management

**Meeting Discussion:** Mr. Andruss explained the financial records for July and August 2022 have been compiled, reviewed and sent to the board members prior to the meeting.

**Board Action:** Mr. Eller moved to accept and approve the financial records. Mr. Clements seconded the motion. The motion passed unanimously.

### 10.1 – Financial Transaction Review

**Meeting Discussion:** Mr. Andruss explained since August 17, 2022, and as of October 19, 2022, there were 43 accounts payable transactions and 36 accounts receivable transactions.

**Board Action:** None.

### 10.2 – Unpaid Accounts Payable

**Meeting Discussion:** Mr. Andruss explained the District has outstanding accounts payable invoices that are not considered regular and routine for which the District has received the goods and services billed for under the invoices.

**Board Action:** Mr. Eller moved to authorize the general manger to pay the listed items. Mr. Clements seconded the motion. The motion passed unanimously.

### 10.3 – Financial Audit for FY2022

**Meeting Discussion:** Mr. Andruss explained Mr. Goldman of Goldman, Hunt, and Notz LLP has submitted an engagement letter related to performance of a financial audit of the District for FY2022.

**Board Action:** Mr. Clements moved to accept the offer of Goldman, Hunt and Notz, LLP to perform the financial audit for the fiscal year ending September 30, 2022 and authorize the firm to begin the audit upon development of the internal financial



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reports for September 30, 2022. Mr. Eller seconded the motion. The motion passed unanimously.

**11. Consideration of and possible action on matters related to Office Administration and Management including management goals and objectives of the District, administrative policies, election of officers of the board, staffing, consultant agreements, interlocal cooperation agreements, and support services provided to and from other groundwater conservation districts.**

## **11.0 – Report regarding Administration and Management**

**Meeting Discussion:** None.

**Board Action:** None.

**12. Consideration of and possible action on matters related to Legal Counsel Report.**

**Meeting Discussion:** None.

**Board Action:** None.

**13. Adjourn.**

**Meeting Discussion:** None.

**Board Action:** Mr. Eller moved to adjourn the meeting after concluding all business of the District. Mr. Clements seconded the motion. The motion passed unanimously.

THE ABOVE AND FOREGOING MINUTES WERE READ AND APPROVED ON THIS

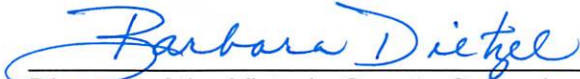
# Victoria County Groundwater Conservation District

THE 20th DAY OF January A.D. 2023.



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Director of the Victoria County Groundwater Conservation District

ATTEST:



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Director of the Victoria County Groundwater Conservation District