

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., Suite 210, Victoria, Victoria County, Texas, 77901 on January 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	Present
Precinct 4:	Mr. Mark Meek, President	Present
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. Meek called the meeting to order at 9:00 AM.

2. Receive public comments.

Meeting Discussion: None.

Board Action: None.

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

3.1 – Report regarding Groundwater Management

Meeting Discussion: Mr. Andruss explained the District has initiated 107 permitting request cases (PRCs) since October 1, 2021.

Mr. Andruss explained that as of January 18, 2022, the following permitting requests and applications are pending with the District:

1. VCGCD - GMa - Pe - Permitting Request Cases - PRC-20211011-01 - AAPC-20210928-01 -Central States Water Resources Texas - Pending
2. VCGCD - GMa - Pe - Permitting Request Cases - PRC-20211108-02 - ARW-20211108-02 -Carlos D. Rosas, Jr - Pending

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3. VCGCD - GMa - Pe - Permitting Request Cases - PRC-20211110-01 - ARW-20211109-01/03/ADW-20211109-05/AOW-20211109-02/04/06 - William G. Hoad - Pending
4. VCGCD - GMa - Pe - Permitting Request Cases - PRC-20211117-02 - ADW-20211110-04/AOW-20211117-01 - Renegade Ministries of the Crossroads - Pending
5. VCGCD - GMa - Pe - Permitting Request Cases - PRC-20211201-02 - AAPC-20211109-01 -INV Nylon Chemicals Americas, LLC (Victoria Site) - Pending
6. VCGCD - GMa - Pe - Permitting Request Cases - PRC-20211214-01 - ADW-20211214-01/AOW-20211214-02 - Mike Bludau - Pending
7. VCGCD - GMa - Pe - Permitting Request Cases - PRC-20211215-07 - ADW-20211214-04 -Juan Garcia - Pending
8. VCGCD - GMa - Pe - Permitting Request Cases - PRC-20220112-01 - ADW-20220111-01 -Roland Rodriguez - Pending
9. VCGCD - GMa - Pe - Permitting Request Cases - PRC-20220112-02 - ADW-20220111-02 -Chad Goyen - Pending
10. VCGCD - GMa - Pe - Permitting Request Cases - PRC-20220112-03 - ADW-20220112-01 -Roland Rodriguez - Pending
11. VCGCD - GMa - Pe - Permitting Request Cases - PRC-20220117-01 - ADW-20220117-01 -Charlotte Ann Koehler - Pending

Board Action: None.

3.2 – Groundwater Production Permits

Meeting Discussion: Mr. Andruss explained as of January 18, 2022, the volume of groundwater production authorized recorded for

- 1) water wells permitted under aggregate production permits (well fields and well systems) is 35,718.177 acre-feet per year,
- 2) water wells not permitted under aggregate production permits is 62,158.508 acre-feet per year,
- 3) with a combined total of 97,876.625 acre-feet per year.

Board Action: None.

3.3 – Groundwater Production

Meeting Discussion: Mr. Andruss explained as of January 18, 2022, the District has recorded groundwater production of 13,839.595 acre feet during calendar year 2020 from 210 groundwater production reports. Per the rules of the District, required groundwater production reports for calendar year 2021 should be submitted by January 31, 2022.

Board Action: None.

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3.4 – Production Permit Renewals

Meeting Discussion: Mr. Andruss explained that on January 3, 2022, the District identified 37 production permits eligible for renewal during the fiscal year.

Board Action: None.

3.5.1 – Permitting Request Case – PRC-20210517-01 – Aqua Texas

Meeting Discussion: Mr. Andruss explained that Mr. Chris A. Garcia for Aqua Texas, Inc. seeks, under permitting request case PRC-20210517-01, a production permit authorizing production of groundwater for public water supply uses at rates not to exceed 150 gallons per minute or 87.345 acre-feet per year from well R1GW-001024. The subject well is located on a 174.69-acre tract of land near the intersection of Cambridge Street and Kent Street in Victoria County, Texas.

The application and supplemental information associated with this permitting request case are considered administratively complete and contain sufficient information evaluate the request relative to the Rules of the District.

On December 30, 2021, the public notice related to the consideration of the permit case was completed.

As of January 17, 2022, the District had not received notice of intent to contest the permitting request.

On January 18, 2022, the District identified a potential issue with the permitting request arising from the apparent overlap of the boundary of the CCN for Water Utility 13203 and the boundary of the city limits of the City of Victoria. The details available from the Texas Public Utilities Commission Website indicate that the active status of the utility started on October 25, 2011. Whereas, the details available on the City of Victoria Website within the 2035 Comprehensive Plan adopted on April 5, 2016, indicates the area adjacent to and possibly overlapping the CCN 13203 was annexed between years 1980 and 2000.

In light of the conflicting information, the District has withdrawn its finding that the application is administratively complete to allow an opportunity for to resolve the conflicting information and allow the applicant to demonstrate control of the groundwater for the entire 174.69-acre tract of land associated with the application. The applicant was notified of this development on January 18, 2022.

Board Action: Mr. Eller moved to postpone the hearing and request the applicant supplement the application with documentation demonstrating control of the groundwater for the entire 174.69-acre tract of land representing the area of the CCN. Mr. Meek seconded the motion. The motion passed unanimously.

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3.6.1 – Investigations and Enforcement Cases related to Groundwater Management

Meeting Discussion: Mr. Andruss explained that as January 18, 2022, the District has 37 active investigations related to groundwater management.

Mr. Andruss explained as of January 18, 2022, the District has 10 open enforcement cases.

Mr. Andruss explained the District will renew its efforts to process the existing investigations, develop appropriate investigations/enforcement cases related to groundwater production reporting for CY2021, and provide an update to the Board at the April 2022 meeting.

Board Action: None.

4. Consideration of and possible action on matters related to Groundwater Protection including complaints, investigations, violations and enforcement cases.

4.1 – Report regarding Groundwater Protection

Meeting Discussion: Mr. Andruss explained that on January 19, 2022, the District was notified of groundwater contamination at Smitty's Food Mart, 9 N. FM 444, Inez, Victoria County. The contaminants are identified as benzene, toluene, ethyl benzene. The District will open an investigation for the purposes of identifying nearby water wells and collecting samples to be tested for BTEX compounds.

Board Action: None.

4.2 – Investigations and Enforcement Cases related to Groundwater Protection

Meeting Discussion: Mr. Andruss explained that as of January 18, 2022, the District has 11 active investigations related to possible groundwater contamination or water quality degradation. The District will renew its efforts to process the existing investigations and provide an update to the Board at the April 2022 meeting.

Board Action: None.

4.3 – Investigation INV-20210222.1509 – Potential Contamination of Groundwater at Dry Creek

Meeting Discussion: Mr. Andruss explained that on January 14, 2022, the District submitted a request to TCEQ seeking to having the closure orders associated the TRPP case for the Atlas Oil Dry Creek Diesel Spill include a requirement to

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reimburse the District for the expenses incurred during our investigation of the impacts on groundwater associated with the spill. The District's expenses total \$26,342.32.

Mr. Andruss explained on January 17, 2022, the District visited the Atlas Oil to conduct a visual inspection of the facility because another spill had occurred approximately a week earlier. The spill was relatively small and confined to a small area. The area had been cleaned and no evidence of spill remained during the site visit.

Mr. Andruss explained that the original spill was reported on February 22, 2021. The District would like to collect additional water samples from wells near the locations that contaminants were detected by lab analysis, approximately 12 sample sites. The District anticipates that each sample will cost approximately \$165 to be analyzed for TPH and BETX.

Board Action: Mr. Clements moved to authorize the General Manager to have up to 12 water samples to be analyzed for TPG and BETX from wells associated with the Dry Creek Diesel Spill Investigation. Mr. Eller seconded the motion. The motion passed unanimously.

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

5.1 – Report regarding Groundwater Monitoring

Meeting Discussion: Mr. Andruss explained that the District is currently delineating project boundaries for baseline aquifer monitoring projects for the purposes of identifying candidate wells to be sampled and analyzed for general water quality analytes. Based on the recommendation of Mr. Wickham of Golder Associates, there was a list of analytes that should be measured as part of a "baseline" water quality monitoring program.

Based on recent cost estimates for lab sample processing, the District anticipates costs of approximately \$280 per sample for lab processing. If the District were to collect and process 10 sample per "baseline monitoring project", the estimated costs would be \$19,600.

Board Action: Mr. Clements moved to authorize the General Manager to collect and submit to a qualified laboratory up to 70 groundwater samples for baseline water quality analysis with cost not to exceed \$20,000.00. Mr. Eller seconded the motion. The motion passed unanimously.

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5.2 – Drought Monitoring

Meeting Discussion: Mr. Andruss explained the U.S. Drought Monitor, produced through a partnership between the National Drought Mitigation Center at the University of Nebraska-Lincoln, the United States Department of Agriculture, and the National Oceanic and Atmospheric Administration, indicates that all portions of Victoria County were experiencing dry conditions as of January 11, 2022.

Board Action: None.

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

6.1 – Report regarding Groundwater Conservation

Meeting Discussion: Mr. Andruss explained the University of Houston - Victoria, through professors Teresa La Sage-Clements and Dmitri Sobolev have submitted a proposal to the District and its cooperating districts for a project for professional teacher development and associated student camp focusing on groundwater conservation. The project is described as follows, emphasis added:

To continue the partnership between UH-Victoria and the VCGCD sustaining the teacher and student environmental groundwater water quality education, we propose the following hands-on teacher professional development opportunity and student camp on how surface and groundwater are polluted and connected. Teachers and students will be recruited from schools within Victoria, Calhoun, Jackson, and Refugio Counties.

Teachers will acquire water quality testing skills, compare well water and watershed quality results. Both teachers and students need to understand how the hydrologic cycle, the Guadalupe River watershed, Texas freshwater, and global freshwater quality are all related. The teachers' knowledge can be transferred to their students in the classroom and improve student understanding of groundwater and the watershed.

Up to 10 middle and/or high school teachers completing professional development can earn up to 12 hours of continuing education credit through UHV and the Texas Education Agency. The 10 teachers will experience a well water quality and watershed water quality workshop. Also, one student camp will be held for up to 20 students.

The delivery dates of the teacher professional development and the student camps will depend on external environment constraints such as COVID-19 variants and if it is safe for teachers and students to meet face-to-face. The first teacher Professional development workshop was planned for the fall of

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2021, but may need to be postponed to spring 22 or summer 22 due to COVID issues.

The cost to fund the project is \$16,678.00 and is comprised of the following:

Professional Development for 10 Teachers: \$13,028.00

- Teacher stipend: \$5,000.00
- Teacher supplies: \$6,500.00
- Transportation van: \$1,000.00
- Student lab worker: \$240.00
- Professors, in kind: \$0.00
- Food: \$288

Student Camp for 20 Students: \$1,272.00

- Teacher facilitators: \$400.00
- Student lab worker: \$120.00
- Professors, in kind: \$0.00
- Food: \$252.00
- Transportation van: \$500.00

Physical Aquifer Model: \$1,378.00 (the District recommends the use of the Envision 2000 Series - Sand & Gravel Aquifer Model from Creative Lab Works, <http://www.creativelabworks.com/>) Incidentals \$1,000 (other teacher and student supplies unforeseen)

The funding agreement negotiated by the staff of the District establishes a payment model in which actual costs of the project, not to exceed \$16,678.00, would be reimbursed by VCGCD to UHV based on periodic status reports submitted by UHV. The agreement, proposal, and an invitation to cost-share the expenses with the District have been accepted by the Boards of Directors of Refugio GCD and Texana GCD for the purposes of promoting groundwater conservation; each agreeing to contribute up to \$4,169.50. If the District accepts the proposal and approves the agreement, the agreement, proposal, and an invitation to cost-share the expenses up to \$4,169.50 with the District will be presented to the Board of Directors of the Calhoun County GCD on Monday, January 24, 2022.

The District will request that UHV attempt to recruit teachers (including agriculture teachers) and students from schools located within the Victoria, Jackson, Refugio, and Calhoun Counties.

Board Action: Mr. Eller moved to accept the proposal for the Teacher Professional Development and Student Camp project and approve the agreement with UHV for the purposes of promoting groundwater conservation. Mr. Hroch seconded the motion. Mr. Clements abstained. The motion passed unanimously.

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

7.1 – Report regarding Groundwater Resource Planning

Meeting Discussion: Mr. Andruss explained that the District will participate in the Region L Regional Water Planning Group Meeting on February 3, 2022, at 9:00 AM at SAWS offices in San Antonio.

The District participated in the Management Area 15 Meeting on December 9, 2021. At the meeting, the representatives re-affirmed the adoption of proposed DFC for GMA 15, approved the explanatory report for the adopted DFC, approved the special request of Goliad County GCD to request TWDB use increased evaluation criteria when considering feasibility of the adopted DFC. The adopted DFC and associated explanatory report was submitted to TWDB before the required deadline (60 days after the adoption of the DFC). The next meeting of GMA 15 is scheduled for April 14, 2022.

Board Action: None.

8. Consideration of and possible action on matters related to Groundwater Policy including the Management Plan of the District and the Rules of the District.

8.1 – Report regarding Groundwater Policy

Meeting Discussion: Mr. Andruss explained the staff of the District are currently reviewing the Rules of the District for the purposes of identifying potential revisions to eliminate unnecessary regulations and requirement, simplify regulations and requirements, streamline procedures, needed clarifications, correct grammatical and formatting errors. At the meeting scheduled for April 15, draft revisions to the Rules of the District will likely be presented to the Board for consideration and possible designation as proposed Rules of the District and initiation of rule-making procedures.

Board Action: Mr. Clements moved to 1) authorize the General Manager and legal counsel to develop potential revisions to the Rules of the District to address identified issues; 2) authorize the General Manager to present the potential revisions to the advisory committee (Victoria County Groundwater Advisory Committee) members for the purposes of gathering feedback regarding the potential revisions; and 3) authorize the General Manger to convene public meetings of the advisory committee in accordance with the Open Meeting Act if requested by the committee membership for the purposes of discussing the potential revisions. Mr. Eller seconded the motion. The motion passed unanimously.

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9. Consideration of and possible action on matters related to Groundwater Research.

Meeting Discussion: None.

Board Action: None.

10. Consideration of and possible action on matters related to Performance Management including management goals and objectives of the District.

10.1 – Report regarding Performance Management of the District

Meeting Discussion: Mr. Andruss explained on January 4, 2022, the District compiled the annual performance report for the fiscal year ending September 30, 2021. The report was forwarded to the directors prior to the meeting. Based on the review of the activities and projects of the Victoria County Groundwater Conservation District between October 1, 2020 and September 30, 2021 and an assessment of the performance standards, the District has determined that all goals and associated objectives established within the Management Plan of the District have been fully achieved during the fiscal year ending September 30, 2021.

Board Action: Mr. Clements moved to accept and approve the annual performance report for the fiscal year ending September 30, 2021. Mr. Eller seconded the motion. The motion passed unanimously.

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

11.1 – Report regarding Meeting Management

Meeting Discussion: Mr. Andruss explained that the proposed schedule of meetings of the Board of Directors for calendar year is April 15, 2022, July 15, 2022, August 19, 2022 (Budget and Tax Rate Matters), and October 21, 2022 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 CY2022. Mr. Hroch seconded the motion. The motion passed unanimously.

11.2 – Minutes of the previous Meeting

Meeting Discussion: Mr. Andruss explained the minutes for the meeting held on October 15, 2021, were sent the board members prior to the meeting.

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Board Action: Mr. Clements moved to accept and approve the meeting minutes for October 15, 2021, as drafted. Mr. Eller seconded the motion. The motion passed unanimously.

12. Consideration of and possible action on matters related to Financial Management including the annual budget of the district, financial reports of the district, bills and invoices of the district.

12.1 – Report on Financial Management

Meeting Discussion: Mr. Andruss explained the financial reports for December 2021 have been compiled, reviewed, and sent to the board members prior to the meeting. All accounts reconcile with internal records. All expenditures are related to business of the District and properly authorized.

Board Action: Mr. Eller moved to accept and approve the financial records for December 2021. Mr. Hroch seconded the motion. The motion passed unanimously.

12.2 – 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. Clements moved to authorize the general manager to pay the identified items. Mr. Eller seconded the motion. The motion passed unanimously.

13. Consideration of and possible action on matters related to office administration and management including administrative policies, election of officers of the board, personnel, staffing, employment agreements, consultant agreements, interlocal cooperation agreements, and support services provided to and from other groundwater conservation districts.

13.1 – Report regarding Administration and Management

Meeting Discussion: Mr. Andruss explained that as authorized by the Board, the District has posted a job opening for the new position of compliance specialist. The District is no longer activity seeking applications for the position as Mr. Benavides has expressed interest in transferring to this position and has begun to perform certain duties related to the position. Mr. Benavides processes the necessary skills, abilities, experience, and knowledge to perform the duties of the compliance specialist as envisioned by the District. However, performing these duties along with the duties of the aquifer monitoring specialist is not practical.

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Board Action: Mr. Eller moved to 1) appoint Mr. Benavides to the position of compliance specialist and 2) authorize the General Manager to fill the position of aquifer monitoring technician within the constraints of the approved budget. Mr. Hroch seconded the motion. The motion passed unanimously.

14. Consideration of and possible action on matters related to legal counsel report.

Meeting Discussion: Mr. Allison explained that it is a new election year, and he is reviewing the commissioners precincts since they have changed.

Board Action: None.

15. 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.

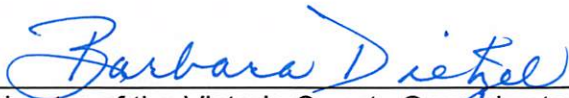
THE ABOVE AND FOREGOING MINUTES WERE READ AND APPROVED ON THIS

THE 22nd DAY OF April A.D. 2022.



Director of the Victoria County Groundwater Conservation District

ATTEST:



Director of the Victoria County Groundwater Conservation District