

# 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 January 19, 2024, at 9:00 AM.

## Meeting Attendance:

Precinct 1:	Mr. Jerry Hroch, Vice President	Present
Precinct 2:	Mr. Thurman Clements, Jr., Director	Absent
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.

**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 January 17, 2024, staff had received 16 well registration applications (ARWs) since October 1, 2023.

As of January 17, 2024, staff had received 26 Notices of Intent to Drill a Well (NIDWs) since October 1, 2023.

Regarding Production Permit Renewal Processing

# Victoria County Groundwater Conservation District

As of January 17, 2024, staff had received 0 production permit renewal requests (ARPs) since October 1, 2023.

As of January 17, 2024, staff had 1 permit renewal request cases pending.

## Regarding Permit Processing

As of January 17, 2024, staff had initiated 21 permitting request cases (PRCs) since October 1, 2023.

## Operating Company - North Victoria Utilities- Pending

As of January 17, 2024, staff had 30 permitting request cases pending.

## Operating Company - North Victoria Utilities- Pending

As of January 17, 2024, staff had 270 active or approved production permits recorded in the permitting database with a combined amount of authorized groundwater production per year of 97,462 acre-feet.

## Regarding Groundwater Production Report Processing

As of January 17, 2024, staff had produced and mailed 239 courtesy notices of need to report groundwater production to well owners and registered agents.

As of January 17, 2024, staff had received 42 groundwater production reports since October 1, 2023.

Staff has developed and published a digital groundwater report form that can be accessed by the public at <https://www.vcgcd.org/groundwater-production-reporting-for-cy2023>. Staff will develop and publish a map that identifies the wells for which groundwater production reporting is required but the district has not received a report for CY2023. The map will facilitate the submittal of groundwater production reports for those wells. Staff will send additional reminders to the well owners of those wells in February 2024.

## Regarding Management of Investigations

As of January 17, 2024, staff had initiated 2 investigations related to groundwater management (i.e., permitting) since October 1, 2023.

As of January 17, 2024, staff had 5 active investigation related to groundwater management (i.e., permitting):

## Regarding Management of Enforcement Cases

# Victoria County Groundwater Conservation District

As of January 17, 2024, the Board had initiated 9 enforcement case violations related to groundwater management (i.e., permitting) since October 1, 2023.

As of January 17, 2024, staff had 0 unresolved enforcement cases related to groundwater management (i.e., permitting).

**Board Action:** None.

## 3.1 – Presentation by the Port of Victoria

**Meeting Discussion:** Mr. Andruss explained the Port of Victoria has requested an opportunity to discuss potential development projects at the Port of Victoria with the VCGCD Board in January and to request that the Board consider either changing or waiving the limitation of non-historic groundwater production based on contiguous groundwater ownership.

The limitation of groundwater production based on contiguous ownership is a fundamental aspect of the district's regulation of groundwater production and constraint on the impacts of concentrated, non-historic use. Staff believes the Port would have to pursue such a change by a) submitting a waiver request in connection with a specific production permit request, b) submitting a petition to amend the rules of the district, c) encourage the VCGCD Board to undertake a rulemaking procedure, or d) seek a legislative solution at a future legislative session.

At present, it appears that the Port of Victoria/Victoria County Navigation District/Victoria County Port Facilities Corporation owns approximately 3,627 acres in Victoria County and holds the following production permits:

- 5 active, historic use, production permits with a total of 16.89 acre-feet of groundwater production per year;
- 2 active, non-historic use, production permits with a total of 91 acre-feet of groundwater production per year;
- 1 expired, non-historic use, production permit with a total of 161 acre-feet of groundwater production per year; and
- 1 active deep-saline production permit with a total of 2,000 acre-feet of slightly saline groundwater production per year.

Based on land ownership and permitting information, a simplistic analysis suggest that the Navigation District has at least 3,089 acres available for non-historic use permitting which would equate to approximately 1,544 acre-feet of annual groundwater production.

However, when contiguous acreage and previously issued permits are factored in, the situation is significantly more complicated. Based on an analysis of tax parcels, it appears that there may be as few as 7 contiguous tracts of landownership which I have assumed also approximates the boundaries of contiguous tracts of

2805 N. Navarro St. Suite 210, Victoria, TX 77901, Phone (361) 579-6863, FAX (361) 579-0041  
VCGCD Minutes – January 19, 2024 | Page 3 of 21

# Victoria County Groundwater Conservation District

groundwater ownership, although there is some information (information used in previous permitting requests) that suggests this may not be an reliable assumption.

After factoring in the potential groundwater ownership boundaries, the following statements appear to describe the permitting potential of each contiguous property:

- Property 186 could be permitted for 93 AFY under the standard-capacity or high-capacity production permitting rules.
- Property 9 could be permitted for 4.5 AFY under the standard-capacity or high-capacity production permitting rules.
- Properties 2440, 106, and 49 may represent a single, contiguous tract of groundwater ownership (with landownership, but not groundwater ownership, being interrupted by county roads and railroad tracks). If this assumption is accurate, the combined acreage of contiguous groundwater ownership of Properties 2440, 106, and 49 totals approximately 2,595 acres and could be permitted for 1,297 AFY under the standard-capacity or high-capacity production permitting rules.
- Properties 757 and 81 may represent a single, contiguous tract of groundwater ownership (with landownership, but not groundwater ownership, being interrupted by county roads and railroad tracks). If this assumption is accurate, the combined acreage of contiguous groundwater ownership of Properties 757 and 81 totals approximately 838 acres. Presently, properties 757 and 81 are associated with 5 historic-use permits and 2 non-historic-use permits with a total 108 AFY of groundwater production permitted. Given this information, properties 757 and 81 would be eligible for approximately 311 AFY under the standard-capacity or high-capacity production permitting rules.

The analysis of the current permitting circumstances and potential for future permitting opportunities relies upon several assumptions regarding groundwater ownership.

**Board Action:** None.

Mr. Eller exited the meeting at this time.

## 3.2 – Permit Hearing – PRC-20230921-02 – Victoria County WCID 2

**Meeting Discussion:** Mr. Andruss explained Mr. Jesse M. Garcia for Victoria Count WCID #2 seeks, under permitting request case PRC-20230921-02, a historic-use production permit protecting the historic production of groundwater from a grandfathered well field comprised of grandfathered well GW-001060 and grandfathered well GW-001061 for public water system uses in the amount of 70.00 acre-feet per year. The subject well field is located on a 3.58-acre tract of land near the intersection of North Preston Street and Pearl Street in the unincorporated community of Placedo in Victoria County, Texas.

The applications and supplemental information associated with this permitting request case are considered administratively complete and contain sufficient

2805 N. Navarro St. Suite 210, Victoria, TX 77901, Phone (361) 579-6863, FAX (361) 579-0041  
VCGCD Minutes – January 19, 2024 | Page 4 of 21

# Victoria County Groundwater Conservation District

information to evaluate the request relative to the rules of the district. The applicant has not submitted a request for a district waiver in connection with the permitting request.

The application includes an affidavit, executed by Mr. Jesse M. Garcia, regarding the evidence of historic use submitted in the application that states "The evidence of historic use submitted to support the validation of the historic use of the well field located at: Latitude: 28.688611 N, Longitude: -96.821389 W is to the best of my knowledge and belief true and correct and that all available information concerning groundwater production of the subject well during the historic use validation year has been provided to the district with this application." The application includes supplemental documentation containing the TWDB Water Use Survey (Survey Number: 0683650) for the subject well field for calendar year 2003. The survey indicates the subject well produced 22,811,000 gallons in year 2003 (70.00 acre-feet).

Based on the review of the information provided within the associated application and supplemental information provided by the applicant, management has determined that the request is consistent with the policies and rules of the district.

On December 13, 2023, staff completed the public notice requirements for the hearing.

As of January 17, 2024, the district had not received any notices of intent to contest the permitting request.

**Board Action:** Mr. Hroch moved to 1) cancel the permit hearing and proceed with the permitting case as an uncontested matter; and 2) issue a production permit for historic use of a well field to Victoria County WCID 2 for the subject well field under permitting request case PRC-20230921-02 with the following parameters and conditions and the requirements established in the rules of the district now in effect:

Permit Identification Number: HUPPWF-20240119-01

Associated Application Number: AVHUWF-20230918-01

Subject Grandfathered Wells: GW-001060, GW-001061

Authorized Groundwater Production Amount: 70.00 acre-feet per year

Authorized Groundwater Production Purpose: public water system uses

Well Owner: Victoria County WCID 2

Owner of Groundwater Resources: Victoria County WCID 2

Authorized Operator: Victoria County WCID 2

Reporting Requirements: per RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPT-USE WELLS

1. The authorized operator of a permit shall report to the district any monitoring data required under the permit within thirty days (30 days) of the close of the relevant reporting period unless specified otherwise within the rules of the district or the permit.

# Victoria County Groundwater Conservation District

2. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well to the district on an annual basis.

3. The well owner, authorized agent, or the authorized operator of a production permit shall measure the volume of produced groundwater from each of the subject wells using a device or method that is accurate within ten percent (10%) of the actual volume produced.

4. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well that is accurate within ten percent (10%) of the actual volume of groundwater produced by the non-exempt use during the calendar year.

5. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well for the previous calendar year (January 1 to December 31) during January of the current calendar year.

6. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well using a form provided by the district.

7. The well owner of a non-exempt-use well shall include the following information when reporting the volume of groundwater produced from a non-exempt-use well:

- 7.1. the well registration number assigned by the district;
- 7.2. the production permit identification number;
- 7.3. the reporting period;
- 7.4. the volume of groundwater produced during the reporting period in acre-foot;
- 7.5. the method used to determine the volumes of groundwater produced during the reporting period;
- 7.6. a statement certifying, under penalty of law, that the information reported on and attached to the report was prepared under the direction or supervision of the well owner and is, to the best of the knowledge and belief of the well owner, true, accurate and complete;
- 7.7. the printed name of the person submitting the report; and
- 7.8. the dated signature of the person submitting the report.

Ms. Dietzel seconded the motion. The motion passed unanimously.

### 3.3 – Permit Hearing – PRC-20230921-03 – Aqua Texas Inc.

**Meeting Discussion:** Mr. Andruss explained Mr. Scott Foltz for Aqua Texas Inc. seeks, under permitting request case PRC-20230921-03, a historic-use production permit protecting the historic production of groundwater from grandfathered well R1GW-001024 for public water supply in the amount of 109.77 acre-feet per year. The subject well is located on a .017-acre tract of land near the intersection of Cambridge Street and Kent Street in Victoria County, Texas.

# Victoria County Groundwater Conservation District

The applications 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. The applicant has not submitted a request for a district waiver in connection with the permitting request.

The application includes an affidavit, executed by Mr. Scott Foltz, regarding the evidence of historic use submitted in the application that states "The evidence of historic use submitted to support the validation of the historic use of the well field located at: Latitude: 28.831641 N, Longitude: -96.9232 W is to the best of my knowledge and belief true and correct and that all available information concerning groundwater production of the subject well during the historic use validation year has been provided to the district with this application." The application includes supplemental documentation containing the TWDB Water Use Survey (Survey Number: 097750) for the subject well field for calendar year 2003. The survey indicates the subject well produced 35,771,113 gallons in year 2003 (109.77 acre-feet).

Based on the review of the information provided within the associated application and supplemental information provided by the applicant, management has determined that the request is consistent with the policies and rules of the district.

On December 13, 2023, staff completed the public notice requirements for the hearing.

As of January 18, 2024, the district had not received any notices of intent to contest the permitting request.

**Board Action:** Mr. Hroch moved to 1) cancel the permit hearing and proceed with the permitting case as an uncontested matter; and 2) issue a production permit for historic use of a well field to Aqua Texas Inc. for the subject well field under permitting request case PRC-20230921-03 with the following parameters and conditions and the requirements established in the rules of the district now in effect:

Permit Identification Number: HUPPW-20240119-01

Associated Application Number: AVHUW-20230918-02

Subject Grandfathered Well: R1GW-001024

Authorized Groundwater Production Amount: 109.77 acre-feet per year

Authorized Groundwater Production Purpose: public water system uses

Well Owner: Aqua Texas Inc.

Owner of Groundwater Resources: Aqua Texas Inc.

Authorized Operator: Aqua Texas Inc.

Reporting Requirements: per RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPT-USE WELLS

1. The authorized operator of a permit shall report to the district any monitoring data required under the permit within thirty days (30 days) of the close

# Victoria County Groundwater Conservation District

of the relevant reporting period unless specified otherwise within the rules of the district or the permit.

2. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well to the district on an annual basis.

3. The well owner, authorized agent, or the authorized operator of a production permit shall measure the volume of produced groundwater from each of the subject wells using a device or method that is accurate within ten percent (10%) of the actual volume produced.

4. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well that is accurate within ten percent (10%) of the actual volume of groundwater produced by the non-exempt use during the calendar year.

5. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well for the previous calendar year (January 1 to December 31) during January of the current calendar year.

6. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well using a form provided by the district.

7. The well owner of a non-exempt-use well shall include the following information when reporting the volume of groundwater produced from a non-exempt-use well:

7.1. the well registration number assigned by the district;  
7.2. the production permit identification number;  
7.3. the reporting period;  
7.4. the volume of groundwater produced during the reporting period in acre-foot;

7.5. the method used to determine the volumes of groundwater produced during the reporting period;

7.6. a statement certifying, under penalty of law, that the information reported on and attached to the report was prepared under the direction or supervision of the well owner and is, to the best of the knowledge and belief of the well owner, true, accurate and complete;

7.7. the printed name of the person submitting the report; and

7.8. the dated signature of the person submitting the report.

Ms. Dietzel seconded the motion. The motion passed unanimously.

## **3.4 – Enforcement Hearing re ECV-20231105-03 – CWSR – Texas Utility Operating Company – Coletto Water – Failure to Obtain a Production Permit**

**Management Discussion:** Mr. Andruss explained on October 20, 2023, the Board passed a motion to:

1. find that the CSWR-Texas Utility Operating Company - Coletto Water violated RULE 4.1: GENERAL POLICIES RELATED TO PERMITS of the Rules of the District related to water well(s) owned by the CSWR-Texas

2805 N. Navarro St. Suite 210, Victoria, TX 77901, Phone (361) 579-6863, FAX (361) 579-0041  
VCGCD Minutes – January 19, 2024 | Page 8 of 21



# Victoria County Groundwater Conservation District

Utility Operating Company - Coeto Water used to produce groundwater for public water system uses unless evidence to the contrary or evidence of relevant extenuating circumstances is submitted to the District;

2. authorize the General Manager to initiate an enforcement case regarding the violation;

3. set a \$2,000.00 penalty to be paid by the CSWR-Texas Utility Operating Company - Coeto Water for each violation per RULE 11.10: PENALTIES of the Rules of the District; and

4. offer to settle the violation without payment of the penalties if the CSWR-Texas Utility Operating Company - Coeto Water consents to the following conditions:

1. acknowledges the violation by December 31, 2023;

2. pays a settlement fee of \$0.00 by December 31, 2023; and

3. submits an administratively complete production permit application and any applicable applications fees to the District by December 31, 2023.

In response to the action taken by the Board, staff recorded violation Enforcement Case Violation - ECV-20231105-03 - Coeto Water - Failure to Obtain Production Permit - Active.

On November 6, 2023, staff attempted to provide notice of violation ECV-20231105-03 to CSWR-Texas Utility Operating Company - Coeto Water by certified mail (CMRRR 7022 1670 0003 4383 0488).

On December 11, 2023, staff attempted to provide notice of violation ECV-2023121105-03 to CSWR-Texas Utility Operating Company - Coeto Water by certified mail (CMRRR 7022 1670 0003 4383 0655).

On January 10, 2024, the staff attempted to provide notice of this enforcement hearing and staff's intent to seek authorization to pursue enforcement of the rules by filing a civil suit against CSWR-Texas Utility Operating Company - Coeto Water at the next regularly scheduled meeting of the board of directors to CSWR-Texas Utility Operating Company - Coeto Water by certified mail (CMRRR 7022 1670 0003 4383 0891).

On January 11, 2024, the staff of the District hand-delivered the notice of this enforcement hearing and staff's intent to seek authorization to pursue enforcement of the rules by filing a civil suit against CSWR-Texas Utility Operating Company - Coeto Water at the next regularly scheduled meeting of the board of directors to a company representative at the Coeto Water Facility.

On January 12, 2024, Mr. Ben Glynn of CSWR-Texas Utility Operating Company - Coeto Water contacted the district concerning the enforcement case and explained that he thought the required elements of the settlement offer provided by the board had been provided to the District.

2805 N. Navarro St. Suite 210, Victoria, TX 77901, Phone (361) 579-6863, FAX (361) 579-0041  
VCGCD Minutes – January 19, 2024 | Page 9 of 21

# Victoria County Groundwater Conservation District

On January 17, 2024, staff of the district reviewed the information submitted by Mr. Ben Glynn of CSWR-Texas Utility Operating Company on November 30, 2023. Application AVHUPPW-20240117-01 appears to be administratively complete and being processed under Permitting Request Case PRC-20240117-01. Based on the review of the submitted information and evaluation of the logical consistency of the request to the rules of the district, staff will request additional information before determining how to proceed with the request and if the request is to be contested by the district.

**Board Action:** Mr. Hroch moved to open and record the enforcement hearing on January 19, 2024, at approximately 9:49 AM. Ms. Dietzel seconded the motion. The motion passed unanimously.

**Board Action:** Mr. Hroch moved to cease the recording of the enforcement hearing after accepting public comments. Ms. Dietzel seconded the motion. The motion passed unanimously.

**Board Action:** Mr. Hroch moved to recess the enforcement hearing until the next meeting of the board of directors scheduled for April 19, 2024. Ms. Dietzel seconded the motion. The motion passed unanimously.

## **3.5 – Enforcement Hearing re ECV-20231105-04 – 7-Eleven Store 36525 – Failure to Obtain a Production Permit**

**Meeting Discussion:** Mr. Andruss explained on October 20, 2023, the Board passed a motion to:

1. find that the 7-Eleven Store 36525 violated RULE 4.1: GENERAL POLICIES RELATED TO PERMITS of the Rules of the District related to water well(s) owned by the 7-Eleven Store 36525 used to produce groundwater for public water system uses unless evidence to the contrary or evidence of relevant extenuating circumstances is submitted to the District;
2. authorize the General Manager to initiate an enforcement case regarding the violation;
3. set a \$2,000.00 penalty to be paid by the 7-Eleven Store 36525 for each violation per RULE 11.10: PENALTIES of the Rules of the District; and
4. offer to settle the violation without payment of the penalties if the 7-Eleven Store 36525 consents to the following conditions:
  1. acknowledges the violation by December 31, 2023;
  2. pays a settlement fee of \$0.00 by December 31, 2023; and
  3. submits an administratively complete production permit application and any applicable applications fees to the District by December 31, 2023.

# Victoria County Groundwater Conservation District

In response to the action taken by the Board, staff recorded violation Enforcement Case Violation - ECV-20231105-04 -7-Eleven Store 36525 - Failure to Obtain a Production Permit - Active

On November 6, 2023, staff attempted to provide notice of violation ECV-20231105-04 to 7-Eleven Store 36525 by certified mail (CMRRR 7022 1670 0003 4383 0495).

On December 6, 2023, staff attempted to provide notice of violation ECV-2023121105-04 to 7-Eleven Store 36525 by certified mail (CMRRR 7022 1670 0003 4383 0617).

On January 10, 2024, the staff attempted to provide notice of this enforcement hearing and intent to seek authorization to pursue enforcement of the rules by filing a civil suit against 7-Eleven Store 36525 at the next regularly scheduled meeting of the board of directors to 7-Eleven Store 36525 by certified mail (CMRRR 7022 1670 0003 4383 0860).

On January 11, 2024, the staff of the District hand-delivered the notice of this enforcement hearing and staff's intent to seek authorization to pursue enforcement of the rules by filing a civil suit against 7-Eleven 36525 at the next regularly scheduled meeting of the board of directors to a company representative at 7-Eleven 36525.

**Board Action:** Mr. Hroch moved to open and record the enforcement hearing on January 19, 2024, at approximately 10:11 AM. Ms. Dietzel seconded the motion. The motion passed unanimously.

The enforcement hearing was concluded at approximately 10:19 AM.

**Board Action:** Mr. Hroch moved to accept the order as presented. Ms. Dietzel seconded the motion. The motion passed unanimously.

## **3.6 – Enforcement Hearing re ECV-20231105-05 – 7-Eleven Store 36551H – Failure to Obtain a Production Permit.**

**Meeting Discussion:** Mr. Andruss explained on October 20, 2023, the Board passed a motion to:

1. find that the 7-Eleven Store 36551H violated RULE 4.1: GENERAL POLICIES RELATED TO PERMITS of the Rules of the District related to water well(s) owned by the 7-Eleven Store 36551H used to produce groundwater for public water system uses unless evidence to the contrary or evidence of relevant extenuating circumstances is submitted to the District;
2. authorize the General Manager to initiate an enforcement case regarding the violation;
3. set a \$2,000.00 penalty to be paid by the 7-Eleven Store 36551H for each violation per RULE 11.10: PENALTIES of the Rules of the District; and

2805 N. Navarro St. Suite 210, Victoria, TX 77901, Phone (361) 579-6863, FAX (361) 579-0041  
VCGCD Minutes – January 19, 2024 | Page 11 of 21

# Victoria County Groundwater Conservation District

4. offer to settle the violation without payment of the penalties if the 7-Eleven Store 36551H consents to the following conditions:
  1. acknowledges the violation by December 31, 2023;
  2. pays a settlement fee of \$0.00 by December 31, 2023; and
  3. submits an administratively complete production permit application and any applicable applications fees to the District by December 31, 2023.

In response to the action taken by the Board, staff recorded violation Enforcement Case Violation - ECV-20231105-05 -7-Eleven Store 36551H - Failure to Obtain Production Permit - Active

On November 6, 2023, staff attempted to provide notice of violation ECV-20231105-05 to 7-Eleven Store 36551H by certified mail (CMRRR 7022 1670 0003 4383 0501).

On December 6, 2023, staff attempted to provide notice of violation ECV-2023121105-05 to 7-Eleven Store 36551H by certified mail (CMRRR 7022 1670 0003 4383 0624).

On January 10, 2024, the staff attempted to provide notice of this enforcement hearing and intent to seek authorization to pursue enforcement of the rules by filing a civil suit against 7-Eleven Store 36551H at the next regularly scheduled meeting of the board of directors to 7-Eleven Store 36551H by certified mail (CMRRR 7022 1670 0003 4383 0877).

On January 11, 2024, the staff of the District hand-delivered the notice of this enforcement hearing and staff's intent to seek authorization to pursue enforcement of the rules by filing a civil suit against 7-Eleven 36551H at the next regularly scheduled meeting of the board of directors to a company representative at 7-Eleven 36551H.

**Board Action:** Mr. Hroch moved to open and record the enforcement hearing on January 19, 2024, at approximately 9:55 AM. Ms. Dietzel seconded the motion. The motion passed unanimously.

The hearing concluded at approximately 10:08 AM.

**Board Action:** Mr. Hroch moved to accept the order as presented. Ms. Dietzel seconded the motion. The motion passed unanimously.

## **3.7 – Enforcement Hearing re ECV-20231105-06 – CWSR- Texas Utility Operating Company – North Victoria Utilities - Failure to Obtain a Production Permit**

# Victoria County Groundwater Conservation District

**Meeting Discussion:** Mr. Andruss explained on October 20, 2023, the Board passed a motion to:

1. find that the CSWR-Texas Utility Operating Company - North Victoria Utilities violated RULE 4.1: GENERAL POLICIES RELATED TO PERMITS of the Rules of the District related to water well(s) owned by the CSWR-Texas Utility Operating Company - North Victoria Utilities used to produce groundwater for public water system uses unless evidence to the contrary or evidence of relevant extenuating circumstances is submitted to the District;
2. authorize the General Manager to initiate an enforcement case regarding the violation;
3. set a \$2,000.00 penalty to be paid by the CSWR-Texas Utility Operating Company - North Victoria Utilities for each violation per RULE 11.10: PENALTIES of the Rules of the District; and
4. offer to settle the violation without payment of the penalties if the CSWR-Texas Utility Operating Company - North Victoria Utilities consents to the following conditions:
  1. acknowledges the violation by December 31, 2023;
  2. pays a settlement fee of \$0.00 by December 31, 2023; and
  3. submits an administratively complete production permit application and any applicable applications fees to the District by December 31, 2023.

In response to the action taken by the Board, staff recorded violation ECV-20231105-06

On November 6, 2023, staff attempted to provide notice of violation ECV-20231105-03 to CSWR-Texas Utility Operating Company - North Victoria Utilities by certified mail (CMRRR 7022 1670 0003 4383 0518).

On December 11, 2023, staff attempted to provide notice of violation ECV-2023121105-03 to CSWR-Texas Utility Operating Company - North Victoria Utilities by certified mail (CMRRR 7022 1670 0003 4383 0622).

On January 10, 2024, the staff attempted to provide notice of this enforcement hearing and intent to seek authorization to pursue enforcement of the rules by filing a civil suit against CSWR-Texas Utility Operating Company - North Victoria Utilities at the next regularly scheduled meeting of the board of directors to CSWR-Texas Utility Operating Company - North Victoria Utilities by certified mail (CMRRR 7022 1670 0003 4383 0884).

On January 11, 2024, the staff of the District hand-delivered the notice of this enforcement hearing and staff's intent to seek authorization to pursue enforcement of the rules by filing a civil suit against CSWR-Texas Utility Operating Company - North Victoria Utilities at the next regularly scheduled meeting of the board of directors to a company representative at the North Victoria Utilities Facility.

# Victoria County Groundwater Conservation District

On January 12, 2024, Mr. Ben Glynn of CSWR-Texas Utility Operating Company - North Victoria Utilities contacted the district concerning the enforcement case and explained that he thought the required elements of the settlement offer provided by the board had been provided to the District.

On January 17, 2024, staff of the district reviewed the information submitted by Mr. Ben Glynn of CSWR-Texas Utility Operating Company on November 30, 2023. Application AVHUPPW-20240117-01 appears to be administratively complete and being processed under Permitting Request Case PRC-20240117-01. Based on the review of the submitted information and evaluation of the logical consistency of the request to the rules of the district, staff will request additional information before determining how to proceed with the request and if the request is to be contested by the district.

**Board Action:** Mr. Hroch moved to open and record the enforcement hearing on January 19, 2024, at approximately 9:51 AM. Ms. Dietzel seconded the motion. The motion passed unanimously.

**Board Action:** Mr. Hroch moved to cease the recording of the enforcement hearing after accepting public comments or comments from the alleged violator. Ms. Dietzel seconded the motion. The motion passed unanimously.

**Board Action:** Mr. Hroch moved to recess the enforcement hearing until the next meeting of the board of directors scheduled for April 19, 2024. Ms. Dietzel 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 cases related to groundwater contamination and waste.

### 4.0 – Report regarding Groundwater Protection

**Meeting Discussion:** Mr. Andruss explained as of January 17, 2024, staff had recorded 0 well inspection forms (WIFs) since October 1, 2023.

As of January 17, 2024, staff had initiated 0 investigations related to Groundwater Protection since October 1, 2023.

As of January 17, 2024, staff had 2 active investigations related to Groundwater Protection:

1. INV-20180730.0800 - Potential Contamination of Groundwater on FM 236 and Weber Rd - Active
2. INV-20220328.0813 - Potential Contamination of Groundwater at Smitty's Food Mart Inez - Active

# Victoria County Groundwater Conservation District

As of January 17, 2024, the Board had initiated 0 enforcement cases related to Groundwater Protection since October 1, 2023.

As of January 17, 2024, staff had 0 unresolved enforcement case violations related to Groundwater Protection.

**Board Action:** None.

## 5. Consideration of and possible action on matters related to groundwater monitoring.

### 5.0 – Report regarding Groundwater Monitoring

**Meeting Discussion:** Mr. Andruss explained as of January 17, 2024, the U.S. Drought Monitor (<https://www.drought.gov/states/texas/county/victoria>) indicates that 100% of Victoria County was experiencing abnormally dry to extreme drought conditions.

As of January 17, 2024, drought condition information related to the district and the surrounding region of Texas collected from the Water Data for Texas website (<https://www.waterdatafortexas.org/drought/>) indicates that the entire area of Victoria County was experiencing abnormally dry to extreme drought conditions.

As of January 17, 2024, staff had collected 0 water level measurements since October 1, 2023.

As of January 17, 2024, staff had collected 0 water quality field measurements since October 1, 2023.

As of January 17, 2024, staff had collected 0 water quality samples since October 1, 2023.

As of January 17, 2024, staff had received 0 water quality lab reports since October 1, 2023.

**Board Action:** None.

### 5.1 – Report regarding Groundwater Level Analysis

**Meeting Discussion:** Mr. Andruss explained on December 18, 2023, Dr. Young submitted the report on analysis of CY2022 water levels using the geostatistical approach for Victoria County, Calhoun County, Jackson County, and Refugio County.

**Board Action:** Mr. Hroch moved to 1) accept the report on analysis of CY2022 water levels using the geostatistical approach submitted by Dr. Young of Intera, 2)

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VCGCD Minutes – January 19, 2024 | Page 15 of 21

# Victoria County Groundwater Conservation District

find that the report supports the finding that the district is, as of CY2022, satisfying the desired future condition for Victoria County, 3) authorize the general manager to invoice Calhoun County GCD, Refugio GCD, and Texana GCD for each district's agreed to share of the project cost (3,750.00) and 4) authorize the general manager to pay the associated invoice in the amount of \$15,000.00. Ms. Dietzel seconded the motion. The motion passed unanimously.

## 5.2 – Assessment of Water Quality

**Meeting Discussion:** Mr. Andruss presented a table displaying the average total dissolved solids measurements, in mg/L, of water wells within the district for which a field measurement was collected in calendar year 2023.

The change in water quality, assessed as change in conductivity/TDS measurements collected in calendar year 2023 as compared to the historic average conductivity measurements collected prior to calendar year 2023 and measurements collected in the previous calendar year, do not indicate that water quality is generally declining across the district. The water quality of well GW-000150 and well GW-000377 have decreased in calendar year 2023 (i.e. improved) by 903 mg/L and 180mg/L as compared to the historic average, respectively. The water quality of well GW-000489 and well GW-000608 appear to have declined in calendar year 2023 by 1,310 mg/L and 262 mg/L as compared to the historic average, respectively.

**Board Action:** None.

## 6. Consideration of and possible action on matters related to groundwater conservation.

### 6.0 – Report regarding Groundwater Conservation

**Meeting Discussion:** Mr. Andruss explained with the adoption of the budget for FY2024, staff published a notice on the website of the district to inform entities wishing to seek sponsorship from the district of a project intended to promote water conservation, especially through rainwater harvesting or brush control within the district, could submit an application for sponsorship.

**Board Action:** None.

### 6.1 – Request for Sponsorship – STEM Middle School

**Meeting Discussion:** Mr. Andruss explained on January 4, 2024, in response to the district's solicitation of requests for sponsorship related to promoting groundwater conservation. Ms. Joy Crump of STEM Middle School and Victoria ISD submitted a request for sponsorship in the amount of \$2,101.34 for classroom



# Victoria County Groundwater Conservation District

equipment and transportation costs for 5 buses for a field trip to the Invista/VISD Wetlands Center.

**Board Action:** Mr. Hroch moved to 1) approve the request for sponsorship submitted by Ms. Crump, 2) authorize the general manager to provide an offer of sponsorship in the amount of \$2,200.00 for the costs described on the application for sponsorship, and 3) pay the actual expenses up to \$2,200.00 upon receipt of the related summary report. Ms. Dietzel seconded the motion. The motion passed unanimously.

## 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 representatives of the district participated in the meeting of the South Central Texas Regional Planning Group (Region L) held on November 2, 2023, to continue efforts to develop the 2026 Regional Water Plan. The next meeting of Region P is scheduled for February 14, 2024.

Representatives of the district participated in the meeting of the representatives of Groundwater Management Area 15 on January 11, 2024 to continue joint planning efforts. During the meeting the members received a report from TWDB stating that the internal work to compare predictive results when modeling the GMA 15 DFC pumping scenario using the previous GAM (CGCD-GAM) and the current GAM (combined GMA 15 and GMA 16 extent) resulted in significant discrepancies and issues. TWDB is undertaking a review of the new model. The representatives agreed to postpone action on the joint planning work until the next meeting of GMA 15. Staff of the district had suspended efforts to negotiate terms of an agreement with Intera until TWDB provides clarity regarding the GAM to be used during the current joint planning cycle. The next meeting of the representatives of Groundwater Management Area 15 is scheduled for April 11, 2024 at Goliad County GCD offices.

**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.

### 8.0 – Report regarding Groundwater Policy

**Meeting Discussion:** Mr. Andruss explained staff and legal counsel reviewed the passed legislation of the previous legislative session and developed, posted, and

# Victoria County Groundwater Conservation District

provided notice of proposed rule revisions to be considered at this meeting scheduled by the Board of Directors.

**Board Action:** None.

## 8.1 – Hearing regarding Proposed Rules

**Meeting Discussion:** Mr. Andruss explained on December 15, 2023, staff of the district posted the public notice for this rulemaking hearing and the proposed rule revisions on the district website.

On December 18, 2023, staff of the district completed the public notice requirements for this rulemaking hearing.

The proposed revisions represent policy changes and clarifications related to:

1. policies related to permitting,
2. policies related to historic use of groundwater,
3. policies related to non-historic use of groundwater,
4. policies related to district waivers and petitions to amend the rules of the district, and policies related to waste, violations, investigations, and enforcement.

The proposed revisions are intended to clarify the regulations of the district, correct typographic errors, and incorporate required provisions associated with rule amendment petitions.

As of January 18, 2024, the District had received no feedback regarding the proposed revisions.

**Board Action:** Mr. Hroch moved to convene the public hearing at approximately 11:05 AM. Ms. Dietzel seconded the motion. The motion passed unanimously.

**Board Action:** Mr. Hroch moved to accept and incorporate any non-substantive revisions proposed by the Board of Directors into the proposed rules of the district. Ms. Dietzel seconded the motion. The motion passed unanimously.

**Board Action:** Mr. Hroch moved to close the public hearing after accepting all comments and questions regarding the proposed rules. Ms. Dietzel seconded the motion. The motion passed unanimously.

### 8.1.1 – Adoption of Proposed Rules

**Meeting Discussion:** Mr. Andruss explained provided the board does not incorporate any substantive revisions to the proposed rules of the district and closes the rulemaking hearing for the proposed rules of the district, consideration of and possible adoption of the proposed rules of the district would be appropriate.

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VCGCD Minutes – January 19, 2024 | Page 18 of 21

# Victoria County Groundwater Conservation District

**Board Action:** Mr. Hroch moved to adopt the proposed rules of the district. Ms. Dietzel seconded the motion. The motion passed unanimously.

**9. Consideration of and possible action on matters related to administration and management including the minutes of previous meetings, the annual budget of the district, financial reports of the district, bills and invoices of the district, management goals and objectives of the district, administrative policies, staffing, consultant agreements, interlocal cooperation agreements, and support services provided to and from other groundwater conservation districts.**

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

**Meeting Discussion:** Mr. Andruss explained the next meetings of the Board are scheduled for April 19, 2024, July 19, 2024, August 16, 2024 (Budget and Tax Rate Matters), and October 18, 2024, with each meeting to convene at 9:00 AM. Regular meetings will be rescheduled as necessary and special meeting may be scheduled to address unforeseen issues.

**Board Action:** None.

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

**Meeting Discussion:** Mr. Andruss explained the minutes for the previous meeting were sent to the board members prior to the meeting.

**Board Action:** Mr. Hroch moved to accept and approve the meeting minutes for October 20, 2023. Ms. Dietzel seconded the motion. The motion passed unanimously.

## **9.2 – Financial Reports of the District**

**Meeting Discussion:** Mr. Andruss explained the internal control review reports and internal financial reports for August, September, and October 2023, have been compiled, reviewed and forwarded to the directors prior to the meeting.

**Board Action:** Mr. Hroch moved to accept and approve the financial reports for August, September, and October 2023. Ms. Dietzel seconded the motion. The motion passed unanimously.

### **9.2.1 – Financial Transaction Review**

**Meeting Discussion:** Mr. Andruss explained since October 18, 2023, as of January 18, 2024, there have been 59 accounts payable transactions and 79 accounts receivable transactions recorded.

# Victoria County Groundwater Conservation District

**Board Action:** None.

## 9.3 – Investments of the District

**Meeting Discussion:** Mr. Andruss explained the investment reports for September, October, November, and December 2023 have been compiled, reviewed and sent to the board members prior to the meeting.

**Board Action:** Mr. Hroch moved to approve and accept the investment reports for September, October, November and December 2023. Ms. Dietzel seconded the motion. The motion passed unanimously.

## 9.4 – 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. Hroch moved to authorize the general manager to pay the following items:

1. ACCTP-20231017-07 -\$1,000.00 – VISD
2. ACCTP-20240119-2 - \$305.00 – TML IRP

Ms. Dietzel seconded the motion. The motion passed unanimously.

Mr. Eller returned.

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

### 10.0 – Legal Counsel Report

**Meeting Discussion:** Mr. Allison gave report.

**Board Action:** None.

## 11. Adjourn.

### 11.0 – Adjourn Meeting

**Meeting Discussion:** None.

**Board Action:** Mr. Eller moved to adjourn the meeting at 11:25 AM after concluding all business of the District. Ms. Dietzel seconded the motion. The motion passed unanimously.

# Victoria County Groundwater Conservation District

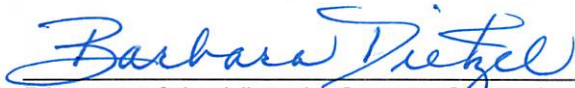
THE ABOVE AND FOREGOING MINUTES WERE READ AND APPROVED ON THIS

THE 19 DAY OF April A.D. 2024.



\_\_\_\_\_  
Director of the Victoria County Groundwater Conservation District

ATTEST:



\_\_\_\_\_  
Director of the Victoria County Groundwater Conservation District