

NOTICE OF OPEN MEETING

Notice is given that a **Regular Meeting** of the Board of Directors of the Barton Springs/Edwards Aquifer Conservation District will be held at the **District office**, located at 1124 Regal Row, Austin, Texas, on **Thursday, April 12, 2018**, commencing at **6:00 p.m.** for the following purposes, which may be taken in any order at the discretion of the Board.

Note: The Board of Directors of the Barton Springs/Edwards Aquifer Conservation District reserves the right to meet in Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code Sections §551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Homeland Security). No final action or decision will be made in Executive Session.

1. **Call to Order.**
2. **Citizen Communications (Public Comments of a General Nature).**
3. **Routine Business.**
 - a. **Consent Agenda.** *(Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as a separate item of Regular Business on this agenda.)*
 1. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000. **Not for public review**
 2. Approval of minutes of the Board's March 22, 2018, Regular Meeting. **Not for public review at this time**
 3. Approval of out of state travel for Justin Camp to attend Karst Geology Field Course, Cave City, KY, June 3-9, 2018. **Pg. 14**
 - b. **General Manager's Report.** *(Note: Topics discussed in the General Manager's Report are intended for general administrative and operational information-transfer purposes. The Directors will not take any action unless the topic is specifically listed elsewhere in this agenda for consideration.)*
 1. **Standing Topics.**
 - i. Personnel matters and utilization
 - ii. Upcoming public events of possible interest
 - iii. Aquifer conditions and status of drought indicators
 2. **Special Topics.** *(Note: Individual topics listed below may be discussed by the Board in this meeting, but no action will be taken unless a topic is specifically posted elsewhere in this agenda as an item for possible action. A Director may request an individual topic that is presented only under*

this agenda item be placed on the posted agenda of some future meeting for Board discussion and possible action.)

- i. Review of Status Update Report – at directors’ discretion **Pg. 16**
- ii. Update on status of the District HCP and ITP
- iii. Update on regulatory and enforcement activities
- iv. Update on certain projects and activities of individual teams.

4. Discussion and Possible Action.

- a. Discussion and possible action related to reviewing rules and regulatory approaches of other GCDs in GMA 10 and considering conforming changes to certain BSEACD rules. **Pg. 21**
- b. Discussion and possible action related to suspending commencement of the required notifications by permittees of the calendar-driven Stage I Drought in anticipation of an imminent Stage II Alarm Stage Drought declaration in a future meeting. **NBU**
- c. Discussion and possible action related to approving an Interlocal Funding Agreement and Memorandum of Understanding with Travis County for conducting hydrogeologic studies and education and outreach support in southwestern Travis County. **NBU**
- d. Discussion and possible action related to the City of Dripping Springs TPDES permit application to authorize direct discharge of treated wastewater to Onion Creek in the contributing zone of the Barton Springs segment of the Edwards Aquifer, including the District’s possible participation in ongoing settlement discussions. **NBU**

5. Directors’ Reports. *(Note: Directors’ comments under this item cannot address an agenda item posted elsewhere on this agenda and no substantive discussion among the Board Members or action will be allowed in this meeting.)*

Directors may report on their involvement in activities and dialogue that are of likely interest to the Board, in one or more of the following topical areas:

- Meetings and conferences attended or that will be attended;
- Board committee updates;
- Conversations with public officials, permittees, stakeholders, and other constituents;
- Commendations; and
- Issues or problems of concern.

6. Adjournment.

Please note: This agenda and available related documentation have been posted on our website, www.bseacd.org. If you have a special interest in a particular item on this agenda and would like any additional documentation that may be developed for Board consideration, please let staff know at least 24 hours in advance of the Board Meeting so that we can have those copies made for you.

The Barton Springs/Edwards Aquifer Conservation District is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal opportunity for effective communications will be provided upon request. Please contact the District office at 512-282-8441 at least 24 hours in advance if accommodation is needed.

Item 1

Call to Order

Item 2

Citizen Communications

Item 3

Routine Business

a. Consent Agenda

(Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as a separate item of Regular Business on this agenda.)

- 1. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**
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- 3. Approval of out of state travel for Justin Camp to attend Karst Geology Field Course, Cave City, KY, June 3-9, 2018.**



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

MEMORANDUM

Date: 4/3/2018

To: Kirk Holland

From: Justin Camp

Re: Attendance at the Karst Geology Field Course, Cave City, KY, June 3-9, 2018

I would like to request permission to travel to Cave City, KY to attend the Karst Geology Field Course. I will be introduced to a full variety of karst and cave features and to the methods by which they can be interpreted. Most of the field work/trip content will be held at Mammoth Cave and include:

- Intro to types of cave passages, rock strata and passage levels
- Creating passage profiles
- Interpretation of passage origin
- Water chemistry of drip water
- Mineralogy of cave deposits

This is considered a Continuing Education Unit as I will be taking this course for academic credit. This central topic in hydrogeology of karst will be beneficial as these topics are all very relevant to the aquifer science issues the District is involved with.

Anticipated costs for attending the conference are listed below:

Conference Registration: \$500
Bunk House: \$84 (7 nights at \$12/night)
Per Diem: \$354 (6 days at \$59.00/day)
Airfare: ~\$450
Rental Car: ~\$150 (7 days at \$14/day + gas)
Total estimated cost: \$1,538

Item 3

Routine Business

- b. General Manager's Report.** *(Note: Topics discussed in the General Manager's Report are intended for general administrative and operational information-transfer purposes. The Directors will not take any action unless the topic is specifically listed elsewhere in this agenda.)*

1. Standing Topics.

- i. Personnel matters and utilization**
- ii. Upcoming public events of possible interest**
- iii. Aquifer conditions and status of drought indicators**

- 2. Special Topics.** *(Note: Individual topics listed below may be discussed by the Board in this meeting, but no action will be taken unless a topic is specifically posted elsewhere in this agenda as an item for possible action. A Director may request an individual topic that is presented only under this agenda item be placed on the posted agenda of some future meeting for Board discussion and possible action.)*

- i. Review of Status Update Report – at directors' discretion**
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- iv. Update on certain projects and activities of individual teams.**

STATUS REPORT UPDATE FOR APRIL 12, 2018 BOARD MEETING

Prepared by District Team Leaders

Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
GENERAL MANAGEMENT TEAM			
Kirk Holland			
KH	4/5/18	Meetings, Training, Presentations, and Conferences	External Meetings Attended: SWTCGCD board meetings, Groundwater Protection in Hill Country at Westcave Outdoor Learning Center; Other meetings: Planning Team and individual team meetings; Meetings with EP technical and legal representatives; Meetings with Dripping Springs re possible settlement provisions; Meetings and teleconferences with FWS and consultant on HCP and EIS finalization. Meeting with mayor of City of Westlake Hills regarding new GCD. Meeting with Hays Trinity GCD board for discussion of new salamander habitat and HCP significance. Presentations: None. Conferences/Seminars: Kent Butler Summit.
KH	4/5/18	Ongoing Special Projects, Committees, and Workgroups	Ongoing Special Projects: GMA 10 coordination and GCD rules comparison and evaluation, and response to continuing comments; Oversight of salary study project; follow-up re staff responses to interpersonal conflicts assessment. Summarizing for Board Committee the HCP final edits and revisions in response to comments; SW Travis Co. GCD; EPM revision coordination; Committees and Workgroups: GMA 10 (temporary voting member).
KH	4/5/18	Routine Activities and Day-to-Day operations	Routine Activities/Day-to-Day Operations: provided general oversight of staff projects and activities, and oversight of day-to-day operations; prepared admin documents; prepared agendas and backup for and attended Board meetings; prepared GM report and assigned tasks in response to Board commitments; held regular one-on-one meetings with Team Leaders; presided over Planning Team meetings; serve as liaison between Board and staff; support Board committees; respond to media requests; review and comment on possible changes to displays of budgeting information; disseminate media reports and journal articles of possible interest. Consultation with Attorney on: Dripping Springs TPDES permit, agenda review, ILA with Travis County, contract reviews, EIP application review, Personnel issues. Other Activities: Database project implementation review; GMA 10 coordination; GMA rules review and comparison method; coordinate HCP comment responses; Dripping Springs settlement, EIP application review; salary study coordination; support of SW Travis County GCD.
ADMINISTRATION TEAM			
Dana Christine Wilson			
DCW	4/6/2019	Permittee accounts carrying a past due balance:	All accounts currently in good standing.
DCW	4/6/2018	April Monthly Billings have been issued.	March 16th statement date for April monthly invoices. Payments are due on Apr 5th and considered late on Apr 16th.
SD/TR/DCW	4/6/2018	The District is reassessing credit card payment capabilities.	Not started yet but expected to begin training soon, as time permits.
DCW	4/6/2018	Coming soon. Currently in progress.	To address Travis County ILA, new GM, and EPM monetary effects.
DCW	4/6/2018	Addressing possible format edits.	Adding charts/graphs to a summary level version. Calculating CPM for the CoA future payment.
DCW	4/6/2018	Preliminary election timeline available.	Process should start ramping up in June/July.
DCW	4/6/2018	Spotchecking coding on Hays County registrations.	Board approved Bickerstaff to handle this.
DCW	4/6/2018	Most current, available financial reports to be posted.	Balance Sheet, Profit and Loss Statements, and Check Registers through February 2018 have been posted.
DCW	4/6/2018	Personnel committee in process of interviewing candidates.	Board panel will bring selected candidates to whole Board.
DCW	4/6/2018	TWDB RFP Grant	First (and final) grant invoice was submitted for payment to TWDB on Friday, March 30, 2018.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Salary Survey - Evergreen	SD/KH/DCW	4/6/2018	In process.	
Tax Reporting	DCW	4/6/2018	Quarterly payroll taxes due April 30th for 1st quarter of calendar year 2018.	TWC C-3, and IRS 940.
REGULATORY COMPLIANCE TEAM				
Vivian Escobar				
Needmore Water LLC	KBE, VE	4/6/18	Conversion of a Temporary Permit to a Regular Permit	Needmore Water LLC is currently a Temporary Permit that has been determined to be administratively complete. Public notice was published on 11/29/16 and comment period closed on 12/19/16. The District received a request for a contested case hearing from both the applicant and TESPA. TESPA requested the hearing to go before the State Office of Administrative Hearings (SOAH). BSEACD Board decided that the preliminary hearing to determine party status will be heard by SOAH. The General Manager has provided a Preliminary Decision with recommended Special Provisions, and a Technical Evaluation, that is available on the website www.beacel.org. A preliminary hearing on party standing was held on 7/31/17 at SOAH. TESPA was granted party status. An initial hearing on the merits of the permit application is scheduled to take place March 5th 2018.
Electro Purification	KBE, VE	4/6/18	Production Permit	EP has submitted 7 modification applications and 1 production permit application on 7/13/17. The production request is for 912,500,000 million gallons a year (2.5 MGD) to be produced from the Middle Trinity Aquifer for the purposes of Wholesale Public Water Supply. The General Managers Preliminary Finding was sent out to the applicant on 2/20/18. A 90-day extend review period has been granted to allow the applicant to provide additional required materials such as a compliance monitoring plan for the avoidance of unreasonable impacts.
ASR Rulemaking	KBE, VE	4/6/18	Rule Making/Technical Workgroup	The Regulatory staff and Aquifer Science staff are coordinating a technical workgroup meeting to take place in early December 2017. This meeting will be a discussion amongst technical ASR experts, interested ASR users, and District Technical staff. ASR Technical Workshop was held on 12/13/17 and the discussion was focused on regulatory and permitting concepts along with a brief update on current ASR activity within the District. The workshop notes and summary are coming together; staff will provide an update to the Board subcommittee in Spring 2018.
SH45 SW/ Mopac Intersections	KBE, VE	4/6/18	Consent Decree Roadway Projects	Next Site inspection: SH 45w on 3/1/18. TXDOT is coordinating with District staff on regular visits to the Mopacs project site for geologic inspections.
Database Development	KBE, VE	4/6/18	Interna Contract - Database Development	Interna is providing biweekly updates and status reports on their progress. They are currently in the design/prototype phase where the look and feel is still being developed. A prototype to preview will be available for staff to review by mid february.
General Manager Approved Permits	KBE, VE	4/6/18	Individual Permits < 2,000,000 gal/yr	NA
Drought Stage- No-Drought	KBE, VE	4/6/18	Drought Compliance Monitoring and Enforcement	No new update. No-drought was declared on January 29, 2015.
EDUCATION & OUTREACH				
Robin Cary				
Well Water Checkup	RG, JV, JC	4/6/18	Wed., Apr. 25 at District office	This year's Well Water Checkup will be on Wednesday, April 25, 2018. Screening available to the first 50 well owners in the District to pre-register. Well Water samples screened in-house for nitrate, pH, and salinity (TDS). Bacteria will be processed by an off-site lab. Preliminary results available after a short wait.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Neighborhood Site Visits	RG, JV, JC	4/6/18	May 15-16: Hugo Lane, Falconwood, Sumner Mt. Ranch off Ranch Road 12 *May 22-23: Northern segment of Hilliard Road	As a pilot program, District staff have scheduled several days for neighborhood site visits focused in two different areas. Site visits are free of charge. Staff will take a water level measurement (if possible), measure basic water quality, and take a sample to test for fecal coliform bacteria. The site visits are similar to the screening provided through the annual Well Water Checkup with the addition of a water level measurement. There are 16 slots available for each area. Fourteen people have signed up for the May 15-16: Hugo Lane, Falconwood, Sumner Mt. Ranch off Ranch Road 12 event. No well owners have signed up for the May 22-23: Northern segment of Hilliard Road event. Road signs and post cards should go out to Hilliard well owners in the coming weeks.
Kent Butler Summit	RG, JV, MS, CS, KBE, ES	4/6/18	Wed., Apr. 4: Texas State LBI Auditorium	April 2018 Kent Butler Summit was hosted at the LBJ Auditorium on Texas State campus in San Marcos. Agenda and panels available at www.kentbutlersummit.com . Over 180 people signed up for the Summit. It was a fantastic kickoff to regional conversations about the effects of increased population, increased impervious cover, and increased water demand on the environment.
Augmented Reality Water Quality Teaching Tool	RG	4/6/18	Benthic macroinvertebrates	Phase II of the augmented reality water quality indicator game has begun. Staff has met with and solicited review comments from 7 different agencies and have prioritized suggestions/edits according to what is financially feasible and what best supports the District's teaching objectives. This year's tasks include adding two new characters (dobsonfly, scud), editing the aquatic and riparian habitat cards to include native vegetation examples, creating an aquifer habitat card that shows the inside of a groundwater well with fault and solution cavity, developing a menu of all characters with links to 3D video, adding info button, and adding a photo option.
Groundwater to the Gulf	RG, JV	4/6/18	Teacher Training: June 12-14, 2018	Preparations have started for the 2018 Groundwater to the Gulf. Day 1 will be held at the Witflow Center, Day 2 will be split between Barton Springs and the LCRA Redbud Center. Day 3 will be hosted out of the Austin Nature and Science Center, hopefully in collaboration with the River School to allow for a half-day canoe trip including Cold Spring.
Cave Sim	RG, JV	4/6/18	Potential collaboration on education trailer	As part of Austin Cave Festival, the Colorado-based company, Cave Sim, brought their educational cave trailer. The trailer has cave passages equipped with sensors on "sensitive features" to teach about caves, habitat, recharge, and cultural heritage. Since Cave Festival, several groups have met to discuss the potential of having an Austin-based version that highlights the Central Texas groundwater resources, cave species, and development challenges.
Enews Blast	RG	4/6/18	March eNews	The March eNews was released on March 27th. It has been opened 812 times. Topics include: well water checkup, neighborhood site visits, and the Kent Butler Summit.
Internet Traffic Report	RG, JV	4/6/18	Page views and visits to the District Website	There were 4,408 total page views by 1,989 unique visitors. Top sites in order of number of views are the home page (1,049), Scholarships (431), Maps (206), Staff (201), and Well Owner Education (121). The District Facebook page now has 651 (up 8 from last month) 'Likes' and responses to posts have been very positive. Look for an increase in FB post frequency--we'll be posting a lot about this Spring's programs.
Dye Tracing	BS, BH, JC	4/5/18	Dye tracing	The BSEACD participated in dye tracing in the Blanco River and Cypress Creek watersheds. Results are pending. The monitoring for the Onion Creek dye trace study near Dripping Springs has concluded and a report is pending.
Central Hays County Groundwater Evaluation	BH, BS, JC	4/5/18	Well and hydrogeology characterization	AS staff have prepared a technical memo stating that there is a potential for unreasonable impacts from pumping of the EP wells at the requested permit amount. Testing of the multipoint well in Rolling Oaks is continuing.
Antloch Cave	BS, BH, JC	4/5/18	Onion Creek Recharge Enhancement Project	New equipment to control the Antloch valve were installed in March 2017. A new flow meter was installed in March 2018. The vault functioned as designed during the March 2018 rain event.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Water-Quality Studies	BS, BII, JC	4/5/18	Sampling and analysis of groundwater and surface water	District staff have been collecting groundwater samples for several projects.
Saline Zone Studies	BS, BH	4/5/18	Saline Zone report	Canollo Engineers has completed a draft final report for the RFP grant, which was submitted to TWDB on October 31. Aquifer Sciences staff completed a report of the multiport well testing and sampling that is a part of the RFP grant report. A final stakeholder meeting was held on November 28. The final report was submitted to the TWDB.
Drought and Water-Level Monitoring	BH, BS, JC	4/5/18	Drought status, monitor wells, and synoptic water level events	As of April 5, the water level in the Lovelady well was at rising past 485.76 ft above msl, and Barton Springs was flowing steady at 68 cfm. January was a very dry month with only about 0.5 inches of rain at the District's rain gage, and there was about 1.2 inches of rain in February.
Information Transfer	BS, BII, JC	4/5/18	Presentations, conferences, reports, and publications	However, in late March a significant rain event of 3.4 inches provided some recharge, likely Brian Smith presented a paper in April 2018 at the Sinkhole Conference related to the Trinity Aquifer work in Hays County. Brian Hunt was co-author to a TSU/Meadows report on water level data in Hays County.
Aquifer Testing	BS, BII, JC	4/5/18	Planning, participation, and review of aquifer tests	EP aquifer testing finished in January 2017. District staff received an application and hydrogeologic report from EP. Staff completed a technical review of EP's production application in October. EP's consultant is working on revising the hydrologic report.
AD-HOC TEAMS				
Technical Team	BAS	3/1/18	Current areas of discussion	Topics of discussion at the technical team meeting in December were the RFP grant, dye trace studies, ASR rules, and the EP application.
Planning Team	KII	2/28/18	Strategic and tactical planning and discussion topics	New Business: New GM screening/hiring, conflict assessment and support, incentive projects review by team, salary study update;
UPCOMING ITEMS OF INTEREST				
First April Board meeting		4/12/18		
ASR for Texas Seminar		4/12/18	Austin (Kernville Field Trip)	
Special Called Board meeting		4/17/16	6 pm, 2 candidate interviews in closed session	
Earth Day!		4/22/18		
Blanco River/Cypress Creek Water Assn. Annual Meeting		4/22/18	4-6 pm. Montecito Ranch, Wimberley. BII is giving talk on Trinity Aquifer work	
GMA 10 Committee meeting		4/23/18	11:30 am, EAA offices in SA; KII and KBE attending	
Well Water Check-up		4/25/18	9am-2pm, at BSEACD	
Second April Board meeting		4/26/18	Possible drought declaration; GM candidate interview(s)	
Seminar: Creating Resilient Cities: Water Utilities on the Front Line of Climate Change		5/2/18	1-5 pm, at Palmer Events Center. Registration required but is free (see Craig Smith for invite info)	
Presentation on SWTCGCD initiation: progress and challenges		5/3/18	5:30-7:30 pm, Sorrellino's Pizza, 21526 Hwy 71 W Bldg B, Spicewood, TX, presentation by Charlie Flatten, JICA	
First May Board meeting		5/10/18	Probable drought declaration	
AGWT Texas Aquifers and Groundwater Annual Conference		6/6-18-6/7/18	7-30am - 5:00pm, Omni Southpark (SS)	

Item 4

Board Discussions and Possible Actions

- a. Discussion and possible action related to reviewing rules and regulatory approaches of other GCDs in GMA 10 and considering conforming changes to certain BSEACD rules.**

GCD Board Review Version

Similarities and Differences among Rules of GMA-10 GCDs¹

The GMA-10 Joint Planning Committee has prepared this narrative to describe general areas of similarities and differences in the rules of its member GCDs. The rules reflect how each GCD currently manages groundwater in its jurisdiction and in turn how it would achieve and maintain its applicable DFCs. This comparison and the spreadsheet data on which it is based are intended to be used to inform GCD boards of other potential regulatory approaches and provisions that might be feasible, as part of regional collaboration in the joint planning process under Chapter 36, and to provide the context in which some differences exist, even for GCDs managing the same aquifer. That is, this report illustrates that there may be good and valid reasons for having differences in our rules -- not least of which are stipulations in enabling legislation. In addition, this narrative and the GCD-specific data on which it is based may serve as an information resource for legislative inquiries and hearings in the upcoming interim and regular sessions.

GCD-Specific Characteristics: An Overview

Roughly half of GMA-10 GCDs are single-county districts that cover only part of an aquifer. However, one single-county GCD also covers all of the extent of two minor localized aquifers that are considered relevant for joint planning purposes. The multi-county districts have portions of as many as 3 counties that share an aquifer. The jurisdictional areas of GMA-10 GCDs are a varying mix of urban/suburban to exurban to rural areas, although two of its six GCDs are mostly rural. GCD populations range from a few thousand to a few hundred thousand, indicative of dominant rural or urban/suburban land uses, respectively. Similarly, water use type is a variable mix corresponding to areas that are more and less highly populated, with public water supply, commercial/industrial, and non-agricultural irrigation uses dominating the former while agricultural irrigation, livestock, and domestic uses dominate the latter. Most of the GCDs are managing a single primary aquifer in GMA 10, although most also have other aquifers in other GMAs and several manage multiple aquifers just in GMA 10. The number of wells with exempt use is much larger than those for non-exempt use in all these GCDs, with larger proportional differences in the less urban/suburban GCDs. Nevertheless, non-exempts in all GMA-10 GCDs produce far more groundwater than exempts.

DFCs in GMA 10 are typically expressed as maximum drawdown at some specified date and/or under some specified condition; for certain aquifers, several GCDs reference their DFCs to groundwater levels, generally in index wells but also, for one GCD, actual average springflows that are key to protecting endangered species under a habitat conservation plan. Differing authorities for each GMA-10 GCD were provided by the Texas Legislature in their respective enabling legislation owing to differences in aquifers, groundwater use, and local political and economic priorities, which in turn produced different and

¹ These narratives generally exclude consideration of EAA, which not only is very dissimilar to most of the other GCDs but also has DFCs and MAGs that are statutorily defined rather than determined by the GMA joint planning process. EAA manages one large segment of one aquifer, and another GMA-10 GCD that manages a smaller segment of the same aquifer also has a similar management approach, a rather complex set of rules and regulations, and a large staff relative to other GMA-10 GCDs

additional statutory and regulatory authorities from those of Water Code Chapter 36 and from each other GCD.

Well Setbacks and Spacing Rules

While setbacks are not identified specifically in Chapter 36, all GMA-10 GCDs utilize minimum property-line setbacks as a measure to protect property rights. Typically, setback distances are a minimum of 50 feet from a property line, although they range up to 900 feet for non-exempt wells in one GCD. Several GCDs have variable setbacks based on either a schedule or an aquifer-specific formula indexed to groundwater production rates. Other setbacks used by some GCDs are from potential sources of contamination and waste disposal sites. A few GCDs have a variance procedure for smaller setbacks, generally involving consent of the adjacent landowner or use of additional well casing.

Well spacing specifications are defined by a few GMA-10 GCDs, but not for most. Some use a formula based on production rates, with or without prescribed maximum distances, and one requires hydrogeologic aquifer (“pump”) tests to confirm proposed spacing. Generally, in GMA 10 spacing rules simply follow Chapter 36 and are used less to limit amount of production and more to avoid unacceptable interference between wells.

Production Allocation Method

The major aquifers in GMA 10 are managed by its GCDs primarily on a beneficial and/or historical use basis. One GCD uses correlative rights for regulating production. One GCD further utilizes a reasonable-use doctrine linked to non-speculative demand. All GCDs intend to assure DFC compliance through proportional cutbacks in authorized production that are initiated by previously established rule or by Board-ordered due process. One GMA subdivision that has a drought of record (DOR) springflow-based DFC to protect endangered aquatic species complies with that DFC on the basis of stringent mandatory curtailments on permittees under its drought management plan.

Permitting Structure

Exempt vs. Non-exempt Well Classification Basis: Chapter 36 forms the basis for exempt well classifications in all GCDs, although the enabling legislation requires some deviation from strict Chapter 36 compliance. For example, certain GMA-10 GCDs specify smaller production capability than in Chapter 36 (10,000 gpd vs. 25,000 gpd), and the rules of certain GMA-10 GCDs have either removed maximum tract size considerations completely or linked tract size and production capability. Typically, the 10,000 gpd production capability limitation is associated with no more than 10-acre tract size for exemption, otherwise the 25,000 gpd capability limitation is used as the exemption criterion regardless of tract size. As a general statement, the GMA-10 GCDs have exemption criteria that are consistent with focusing groundwater regulation on the larger groundwater production wells that are permitted as non-exempt wells.

Permit Types: Permits in GMA-10 GCDs are most commonly differentiated on type of groundwater use (other than domestic and livestock uses that are exempt) and/or by aquifer. Some GCDs have different

permits and permitting mechanisms applicable to smaller and to larger wells, with the former having streamlined permitting processes. A few recognize and issue specially designated permits on the basis of existing use or historical use as of a date, typically the formation of the GCD. A few GCDs in GMA 10 have defined by rule special purpose wells, such as aquifer testing, groundwater monitoring, and geothermal closed-loop wells, as either exempt from permitting or permitted under a special administrative-type permit. One GCD in GMA 10 uses a two-step permitting process, wherein it issues initially a well drilling authorization and then a regular production permit after confirming expected well characteristics upon installation. One GCD in GMA-10 has an aquifer whose total production has already reached the MAG corresponding to its applicable DFC; in that GCD all permitting of this aquifer after a defined date has been on a conditional basis, as an interruptible supply per specified conditions. The terms of permits in GMA 10 range from one-year to perpetual permits, most commonly having five year terms, but all non-perpetual permits are generally automatically and/or administratively renewable, provided compliance with permit conditions (and presumptively, DFCs) is maintained.

Permit Characteristics: All GMA-10 GCDs issue permits with defined production limits. For fee-based GCDs in GMA 10, in all but one the production fees are assessed on an actual-use rather than authorized-use basis. (The exception relates to regulation of a relatively small, but heavily used karst aquifer with large seasonal variations in water use and in natural water levels in the aquifer, for which authorized-use provides a more stable financial model for managing the aquifer.) All larger non-exempt wells in GMA-10 are metered and report actual use periodically (monthly, quarterly, or annually), although one GCD does not require meters for permitting of smaller-production non-exempts. Most GMA-10 wells have construction requirements that simply follow TDLR specifications, although a few have additional specifications for protecting well intervals where formations that are known to have very poor quality water may be otherwise hydrologically connected to the production zone. All GCDs have a drought management plan as required under Chapter 36 and most require certain or all of their permittees to have drought management plans, but only a few GCDs in GMA 10 have drought curtailment provisions that are mandatory permitting requirements in all production permits.

Revenue Basis and Fees

Most GMA-10 GCDs have revenue based on *ad valorem* taxation. Tax rates for these GCDs range from less than a penny to less than 6 cents per \$100 valuation, and generally the voter-ratified rates are all far below their maximum rates authorized in their enabling legislation. One GCD is a hybrid of tax-based and fee-based, with taxation forming the larger portion for financial stability. Production fee rates are defined by either Chapter 36 or the enabling legislation for the other, fee-based GCDs and generally the fee rates applied are the maximum statutorily allowed, as they otherwise would not produce sufficient revenue *per se* to provide for a sustainable GCD operation. Generally, with one exception, GMA-10 GCDs have very small staffs, as a reflection of their revenue. Production fees for regular non-exempt production permits (aka operating permits) differentiate between irrigated agriculture and other uses; they are \$1.00 -\$2.00 per acre-foot for agricultural uses and range from \$10 per acre-foot (3.1 cents per thousand gallons to \$55.40 per acre-foot (17 cents per thousand gallons) for regular production permits of all other uses. One GCD in GMA 10 uses a substantially lower production fee in the saline zone of one of its aquifers (8 cents per 1000 gallons) than in the freshwater zone of the same aquifer (17 cents per 1000 gallons), to promote its use as an alternative water supply. That same GCD has its statutorily

authorized fee rate for a conditional-use production permit, which is the only one now available in that aquifer, linked to the raw water rate of the local surface-water alternative supply, which is currently \$140 per acre-foot (44 cents per thousand gallons).

All GCDs encourage the registration of all wells, and registration fees net of non-exempt permit application fees range from no cost (other than cost of providing notice) to a few tens of dollars, although construction of new exempt wells and modifications to existing wells may have higher fees that also incorporate registration fees. Registration of non-exempt wells is typically included in the permit application fees, which generally range from \$10 to \$500, although one GMA-10 GCD has a separate well drilling authorization fee and also an application fee schedule that varies with size of proposed production, up to \$1500 for the application to cover costs of evaluating the production's impacts. Fees for renewal of existing production permits are modest, from zero up to \$50. In addition to these registration, application, and production fees, some GMA-10 GCDs have other small administrative fees to cover the cost of various permit-related services, such as oversight of aquifer/pump tests or changing well ownership, among others.

Groundwater Export Requirements

Exporting groundwater out of the districts, which statutorily cannot be prohibited, requires a separate permit in all GMA-10 GCDs. A separate export permit (aka transport or transfer permit) has a separate application fee for most GMA-10 GCDs, and most of them assess a fee for exporting groundwater that is based on the volume exported and at a rate that is a) negotiated, b) set numerically equivalent to the tax rate or some other stipulated rate as a fee cost per 1000 gallons, and/or c) some combination of those. Some GMA-10 GCDs that currently do not have an export permitting program and fee structure are working on establishing them. Exported volumes are reported by the permittee to the GCDs either monthly or annually, although one GMA-10 GCD does not require export reporting (presumptively, other than that required to calculate the fee at the applicable rate).

Permitting Procedure and Requirements for Administrative Completeness

Requirements of Applications for New Production Permits: Each GMA-10 GCD has an application form and content that provides the type of information required by a particular GCD's enabling statute, its rules, the type of permit, and the aquifer that is the producing zone. All of the applications generally must describe the need/demand, the well location and configuration; the production plan, including any phasing that might be part of the plan; water conservation and, for some, drought management plans; public and private notices required and made; and a detailed map showing this information and adjacent wells and property lines. All GCDs require submittal of the application fee at the time of application. For some GMA-10 GCDs, applications for larger amounts of groundwater withdrawals or for major modifications of previously permitted amounts are required to submit the results and analysis of hydrogeological pump tests to demonstrate lack of interference with other wells on adjacent properties.

Time Requirements for New Production Permits: GMA-10 GCDs do not have a common time period for completing a review for administrative completeness or for completing a review of the application once

deemed complete. Some GCDs have no time period specified for one or the other of these reviews, or either. But for those that do, an application that has not been judged to be administratively complete after 180 days from initial submittal, or from as few as 21 days to as many as 90 days after the GCD provides notice of deficiency/incompleteness to the applicant, the application is typically considered expired and therefore null and void. The longer time periods are generally associated with permit applications that require hydrogeological tests as part of the applications.

Notice and Hearing Requirements: All GMA-10 GCDs have notice and hearing requirements that follow closely the rather specific provisions of Chapter 36. The primary differences among the GCDs relate to the timing between notices, public comment periods, and hearings on the applications. In GMA 10, the durations of public comment periods range from as few as 14 days to as many as 60 days. Public hearings are held as contested cases on all permit applications except for certain well types for one GMA-10 GCD, while the other GMA-10 GCDs provide notice of and hold more administrative public hearings on the application (provided a contested case has not been timely requested) after a minimum 10-day notice and no more than 35 days from the date of notice, per Chapter 36. One GMA-10 GCD specifies that deadline as no more than 20 days. Protestants of applications may request a hearing, or alternatively a contested case, in writing before the expiration of the public comment period, and protestants requesting a contested case hearing must have a personal justiciable interest, generally by being an affected person with a well that is registered or permitted in the same aquifer.

Requirements for Renewal of Permits: For all GMA-10 GCDs, existing permits that have expiring terms, if any, are renewed automatically without hearings, provided a) no changes to the permit have been requested, b) the permittee is in compliance with all applicable permit provisions and GCD rules, c) any enforcement actions involving the permit have been resolved, and d) the permit renewal fee, if any, has been paid. These are consistent with current provisions of Chapter 36.1145. There are no extraordinary requirements for permit renewals in GMA 10.

Item 4

Board Discussions and Possible Actions

b. Discussion and possible action related to suspending commencement of the required notifications by permittees of the calendar-driven Stage I Drought in anticipation of an imminent Stage II Alarm Stage Drought declaration in a future meeting.

Item 4

Board Discussions and Possible Actions

c. Discussion and possible action related to approving an Interlocal Funding Agreement and Memorandum of Understanding with Travis County for conducting hydrogeologic studies and education and outreach support in southwestern Travis County.

Item 4

Board Discussions and Possible Actions

d. Discussion and possible action related to the City of Dripping Springs TPDES permit application to authorize direct discharge of treated wastewater to Onion Creek in the contributing zone of the Barton Springs segment of the Edwards Aquifer, including the District's possible participation in ongoing settlement discussions.

Item 5

Director's Reports

Directors' Reports.

Directors may report on their involvement in activities and dialogue that are of likely interest to the Board, in one or more of the following topical areas:

- **Meetings and conferences attended or that will be attended;**
- **Committee formation and updates;**
- **Conversations with public officials, permittees, stakeholders, and other constituents;**
- **Commendations; and**
- **Issues or problems of concern.**

Item 6

Adjournment