

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting and Public Hearing
June 16, 2016**

Board members present at commencement: Blayne Stansberry, Bob Larsen, Mary Stone and Blake Dorsett. Craig Smith was absent. Staff present: John Dupnik, Robin Gary, Kendall Bell-Enders, Brian Smith, and Tammy Raymond. Bill Dugat of Bickerstaff, Heath, Delgado, Acosta also participated in the meeting. Also present were those on the attached sign-in sheet. These minutes represent a summarized version of the meeting; the complete discussion of the following items is recorded digitally.

1. Call to Order.

Ms. Stansberry called the meeting to order at 6:01 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments of a General Nature).

There were no public comments of a general nature.

6. Discussion and Possible Action.

6d. Discussion and possible action related to consideration of 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.

Ms. Stansberry opened this item to hear a public comment from Mr. Ken Jacob, representing the Onion Creek Homeowner's Association.

Mr. Jacob stated that he is also a member of the Flood Mitigation Task Force and they are concerned about the health of Onion Creek as a whole. He said that the Onion Creek Community recently saw a proposal by the City of Buda to do something similar; they were going to discharge their waste water into Onion Creek, and that was stopped because of potential problems. He said that even though they are far down stream, they have the same concerns with Dripping Springs discharging all of their wastewater into Onion Creek. In times like last October the water would run so fast it probably wouldn't make a difference, but in the summer when there is very little flow, we may have serious problems. He said that the Board of Directors of the HOA have met and voted unanimously to oppose this permit.

Ms. Stansberry stated that she would close this item and re-open it later in the meeting.

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 an item of Regular Business.

1. **Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**
2. **Approval of minutes of the Board's May 26, 2016 Regular Meeting and Public Hearings.**
3. **Approval of the effectiveness of Directors' communications with stakeholders and constituents for the 3rd Quarter FY 2016 (March - May) per the collective judgment of the Board, as required by the District's Management Plan.**
4. **Approval of an alternate regular Board meeting schedule for the summer months.**
5. **Approval of a joint-funding agreement with USGS at an annual cost of \$7,370 to continue the inclusion of the Lovelady Drought Indicator well in the USGS-managed and reported Texas Data Collection Program.**
6. **Discussion and possible action related to amendments to the engagement letter for legislative consulting services with Sledge Law and Public Strategies.**
7. **Approval of a letter of support for an application to be submitted by the Meadows Foundation and others to fund development of a Blanco River watershed protection plan.**
8. **Approval of a contract amendment with Alan Plummer Associates for continued engineering services related to the District technical review of State Highway 45 Southwest.**

Ms. Stone moved approval of consent agenda items 1 through 8 noting, invoices from Bickerstaff in the amount of \$6557.31, USGS in the amount of \$7370.00 and CC Lynch in the amount of \$7905.60. She also noted changes to Board meeting dates in June and July, and one minor change to the meeting minutes.

Dr. Larsen seconded the motion and it passed with a vote of 4 to 0.

4. Public Hearings.

The Board will hold a public hearing on the conversion of a Temporary Production Permit issued to Aqua Texas Inc. (Sierra West) to a Regular Production Permit pursuant to the HB 3405 permit process. The Regular Permit would authorize continued operation of the existing well located at 235 Marigold Court, Driftwood, TX 78619 and withdrawal of an annual permitted volume of approximately 30,000,000 gallons of groundwater from the Trinity Aquifer for Public Water Supply Use for the Sierra West neighborhood. (6:15)

Ms. Stansberry opened the Public Hearing at 6:16 p.m.

Ms. Bell-Enders stated that this public hearing was set to convert a Temporary Production Permit into a Regular Production Permit, and that they are one of the few that are over 2,000,000. She explained that Aqua Texas has an existing water supply well that serves the Sierra West subdivision in our new territory. They were issued a Temporary permit in October of 2015 that gave them the interim authorization to continue to operate the well as a public water supply. The application was processed to authorize a withdrawal of 30,000,000 gallons a year for a public water supply. She explained that the total demand was based on a four-year average and a two percent growth rate. She said that the application is administratively complete, and that an aquifer test was completed on the well in May of 2000. She explained that drawdown was monitored in the pumping well and a nearby observation well. She said that the Aquifer Science team reviewed the Hydrogeological Report that was submitted, and confirmed that it satisfied our requirements. We will not require an additional pump test because it was determined that the previous conducted test was adequate and that it satisfied the District's Guidelines. She ended with saying that this well has been in operation for 16 years, and there have been no impacts to surrounding wells in the vicinity.

There were no public comments, therefore; Ms. Stansberry closed the Public Hearing at 6:21 p.m.

6a. Discussion and possible action related to approval of the conversion of a Temporary Production Permit issued to Aqua Texas Inc. (Sierra West) to a Regular Production Permit pursuant to the HB 3405 permit process that would authorize continued operation of the existing well and withdrawal of an annual permitted volume of approximately 30,000,000 gallons of groundwater from the Trinity Aquifer for Public Water Supply Use for the Sierra West neighborhood.

Ms. Bell-Enders stated that the staff recommends approval of the conversion from a Temporary Production Permit to a Regular Production Permit for a Middle Trinity well for Aqua Texas Inc., and authorize pumping of 30,000,000 gallon per year.

Ms. Stone moved approval of the conversion from a temporary to a Regular Production Permit for Aqua Texas Inc., and to authorize pumping 30,000,000 gallons per year from the Middle Trinity Aquifer.

Dr. Larsen seconded the motion and it passed unanimously with a vote of 4 to 0.

4. Presentations

Presentation by the District Aquifer Science Team of the preliminary results of the Aquifer Science Onion Creek Study.

Dr. Brian Smith gave a presentation titled Streamflow Gain-Loss Study in the Onion Creek Watershed. The presentation included previous and on-going studies on surface water and groundwater interactions between the Trinity and Edwards Aquifers in Hays County.

6b. Discussion and possible action related to amending the FY16 Budget.

Ms. Wilson presented the major categories of budget revisions needed to continue operation until the end of fiscal year 2016. She asked for an addition of \$1500 to the copier/lease item, due to a \$1400 invoice for color copies that was not expected or budgeted.

After discussion, Ms. Stone moved approval of the FY16 Budget amendment as presented, with the additional \$1500 to the copier/lease item.

Mr. Dorsett seconded the motion and it passed unanimously with a vote of 4 to 0.

6c. Discussion related to a briefing by the District's attorney on recent legal cases of interest to Groundwater Conservation Districts.

Mr. Dugat gave a presentation on recent legal cases of interest to the District and other Groundwater Districts, including an Attorney General's opinion regarding the use of personal E-Mail for business.

6d. Discussion and possible action related to consideration of 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.

Mr. Dupnik stated that when we were asked to look at this application we new that it was going to require a detailed analysis. He said that he convened an ad hoc team of support staff consisting of himself, Kendall Bell-Enders, Stephen Davis, and Brian Hunt. He also used Kirk Holland under his existing contract, and asked him to coordinate the team and review the application. He said that Mr. Holland coordinated and completed the initial application review, and that he and Mr. Dugat prepared a memo that was sent to the Board. He said that legal matters would need to be discussed in Executive Session, but for the benefit of the public, asked Mr. Holland to provide an overview of the application.

Mr. Holland then gave a brief overview of the basic application, and answered questions by the Board.

Ms. Stansberry stated that the Board would meet in Executive Session under as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney), at 8:25 p.m. Ms. Stansberry stated that no final actions or decisions would be made while in Executive Session.

The Board re-convened into open session at 9:21 p.m. Ms. Stansberry stated that no final actions or decisions were made while in Executive Session.

Ms. Stansberry appointed a Subcommittee consisting of Ms. Stone and herself for the Dripping Springs discharge permit.

Ms. Stone moved that the Board directs the staff to do the following:

1. Have conversations and meetings with public and private stakeholders regarding the Dripping Springs discharge permit.
2. Prepare input to TCEQ staff on this permit.
3. Draft a Resolution of this Groundwater District's opposition to this permit.

Dr. Larsen seconded the motion and it passed unanimously with a vote of 4 to 0.

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**
- ii. **Update on activities related to GMA and regional water planning**
- iii. **Update on District grant projects and other Aquifer Science Team projects**
- iv. **Update on the activities related to the SH 45 SW roadway project**
- v. **Update on activities related to the HCP and the associated draft EIS**
- vi. **Update on activities related to the Travis County PGMA**
- vii. **Update on interim legislative activity**

Mr. Dupnik and staff updated the Board and answered Director's questions on the items listed above.

Ms. Stansberry had to leave at 9:30 p.m., and passed the gavel to Mr. Dorsett for the remainder of the meeting.

Mr. Dupnik continued the General Manager's Report.

8. Adjournment.

Without objection, Mr. Dorsett adjourned the meeting at 9:43 p.m.

Approved by the Board on June 30, 2016:

By: Blayne Stansberry Attest: Blake Dorsett
Blayne Stansberry, President Blake Dorsett, Secretary