

NOTICE OF OPEN MEETING AND PUBLIC HEARING

Notice is given that a **Regular Meeting and Public Hearing** 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, March 28, 2019**, 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. NBU
 2. Approval of minutes of the Board's March 14, 2019, Regular Meeting. **Not for public review at this time**
 - 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. 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.)*

Topics

1. Personnel matters.
2. Aquifer conditions and status of drought indicators.
3. Upcoming public events of possible interest.
4. Update on projects and activities of individual teams.
5. Update on activities related to the Travis County ILA.
6. Update on development activities over aquifer recharge and contributing zones.
7. Update on activities related to area roadway projects.
8. Update on GMA and regional water planning activities.
9. Update on activities related to the Habitat Conservation Plan.
10. Update on the State Auditor's Office audit.
11. Update on the Kinder Morgan Permian Highway Pipeline Project.

4. Public Hearing.

The Public Hearing concerns proposed revisions to the District Rules and Bylaws related generally to: Aquifer Storage and Recovery (ASR) rules relating to definitions, permit process and applications, permit amendments, permit conditions and requirements, pilot test permit, well construction standards, as well as, maximum withdrawals for management zone and Saline Edwards DFC. **See ASR Rules on Website**

5. Discussion and Possible Action.

- a. Discussion and possible action on proposed revisions to the District Rules and Bylaws related to Aquifer Storage and Recovery. **NBU**
- b. Discussion and possible action on the selection of the 2019 Aquatic Science Adventure Camp scholarships. **NBU**
- c. Discussion and possible action related to the Kinder Morgan Permian Highway Pipeline Project. **Pg. 12**
- d. Discussion and possible action related to the status of the Board's Remand of SOAH's consideration of the Needmore Water LLC application. **NBU**

6. 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;
- Board committee updates;
- Conversations with public officials, permittees, stakeholders, and other constituents;
- Commendations; and
- Issues or problems of concern.

7. Adjournment.

Please note: This agenda and available related documentation, if any, have been posted on the District 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.

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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.**
- 2. Approval of minutes of the Board's March 14, 2019, Regular Meeting.**

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.)*

Topics

1. Personnel matters.
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Item 4

Public Hearing

The Public Hearing concerns proposed revisions to the District Rules and Bylaws related generally to: Aquifer Storage and Recovery (ASR) rules relating to definitions, permit process and applications, permit amendments, permit conditions and requirements, pilot test permit, well construction standards, as well as, maximum withdrawals for management zone and Saline Edwards DFC.

Item 5

Board Discussions and Possible Actions

- a. Discussion and possible action on proposed revisions to the District Rules and Bylaws related to Aquifer Storage and Recovery.**

Item 5

Board Discussions and Possible Actions

b. Discussion and possible action on the selection of the 2019 Aquatic Science Adventure Camp scholarships.

Item 5

Board Discussions and Possible Actions

c. Discussion and possible action related to the Kinder Morgan Permian Highway Pipeline Project.



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

TO: MR. ALLEN FORE
VICE-PRESIDENT, PUBLIC AFFAIRS
KINDER MORGAN

FROM: MS. ALICIA REINMUND-MARTINEZ
GENERAL MANAGER
BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT

SUBJECT: REQUESTS FOR DOCUMENTS, PLANS, REPORTS, AND ANSWERS
REGARDING THE PERMIAN HIGHWAY PIPELINE PROJECT

DATE: MARCH 20, 2019

CC: MR. JAKE LARSON
SENIOR ANALYST, PUBLIC AFFAIRS
KINDER MORGAN

I appreciated the presentation you provided to the Barton Springs/Edwards Aquifer Conservation District (BSEACD) Board of Directors last week as well as Kinder Morgan's responses to the Directors' and the attendees' questions. It was an informative and beneficial presentation. The purpose of this memorandum is to formalize the BSEACD's request for reports, plans, and answers to outstanding questions regarding the Permian Highway Pipeline project.

Please find attached the list of reports and plans that we request for our review. Please respond as to when Kinder Morgan will provide us with the reports and plans requested.

I have listed 18 questions that were either left unanswered following your presentation or that are in addition to those unanswered questions. Please respond with your answers as soon as possible.

Finally, you stated that Kinder Morgan is supported of sharing information but believed a collaborative relationship with the BSEACD is more important. We welcome this collaboration and look forward to obtaining this requested information and to future conversations and meetings.

I. PRE-CONSTRUCTION/DESIGN

- Revised easement agreement indicating only natural gas transport.
- Corrosion protection plan.
- Karst survey report.
- Biological assessment.
- Cultural resource studies that include springs like Jacob's well or other sensitive karst features.

Questions

1. Will a surface geophysical survey be done in conjunction with the karst survey?
2. What is the chemical composition of the natural gas to be transported? What toxic constituents will be present and what is their typical concentration in the gas to be transported?
3. What is the chemical composition of the condensate? What toxic constituents will be present and what is their typical concentration in the gas to be transported?
4. Will K-M notify the BSEACD when karst features are encountered during construction and be allowed access to significant features that are found?
5. Will K-M be willing to enter into an agreement with GCD's, Counties, and Cities to formally document with these entities the prohibition of liquid products in the pipeline and agree to certain construction and operations methods that protect the aquifer and water supply?

II. CONSTRUCTION

- Void mitigation plan
- Restoration and revegetation plan
- Erosion control and revegetation plan
- Stormwater Pollution Prevention Plan
- Aquifer protection plan be developed - plan should be based on the TCEQ Edwards Rules (Texas Water Code, §26.046).

Questions

6. What are the specific sedimentation controls? What type of sedimentation controls are required in Pennsylvania? How is this different in Texas?
7. Who will inspect erosion controls and how often?
8. Where is the concrete cap located in the trench? Does the concrete cap hinder the natural gas escaping to atmosphere during a leak?
9. What is the size of the disturbed area before it is revegetated? Typically, how long does the soil remain exposed from the start of disturbance to revegetation?
10. The Mopac project is 2 miles long and has encountered over 40 voids during excavation. These voids slow down project construction as it takes time to evaluate the void to determine proper mitigation. How will K-M respond to unknown voids found during construction?

III. OPERATIONS

- Spill Response plan – request plans that address spills that occur during construction and leaks that occur after the pipeline is in operation.
- Pipeline management plan (K-M Standard Integrity Management Program)

Questions

11. What is the estimated volume of condensate that can be found in the pipeline or compressor stations at any one time?
12. If a compressor station fails to remove the liquids, what is the volume of liquid in the pipeline.
13. What is the volume of condensate that could escape from the pipe?
14. It was stated at the presentation that the condensate occurs at when the temperature changes. Will additional condensate liquids be generated at leak locations when the gas rises from the underground pipeline to the surface? How does the volume of the condensate increase from micro leaks to larger leaks?
15. At the presentation, it was stated K-M detects leaks through pressure changes in the pipeline. How are micro leaks detected?
16. If a leak from corrosion is along the bottom of the pipeline, the leak will be roughly 7 or 8 feet below the surface. As the gas travels out of the trench, will it be likely to enter voids along the trench walls? Why or why not?
17. Will herbicides be used for maintenance of the easement?
18. If there were an explosive incident, what would be the damage to the karst structure that is the water supply?

Item 5

Board Discussions and Possible Actions

d. Discussion and possible action related to the status of the Board's Remand of SOAH's consideration of the Needmore Water LLC application.

Item 6

Director's Reports

Directors' Reports.

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- **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 7

Adjournment