

## 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, September 8, 2016**, 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 August 25, 2016 regular Meeting. **Not for public review at this time**
    3. Approval of the effectiveness of Directors' communications with stakeholders and constituents for the 4th Quarter FY 2016 (June-August) per the collective judgment of the Board, as required by the District's Management Plan. **Pg. 15**
    4. Approval of records disposition in accordance with District records retention schedule. **Pg. 16**
    5. Approval of alternative dates for the November and December Board meetings and set the date for the District Holiday Party. **Pg. 17**
    6. Approval of an amendment to the contract with Hicks and Company for environmental document preparation services in support of the District's draft Habitat Conservation Plan and pending Section 10(a) Incidental Take Permit application with the U.S. Fish and Wildlife Service. **Pg. 18**
    7. Approval of Order declaring unopposed candidates and cancelling November 8, 2016 Director Elections. **Pg. 22**

- 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

- 1. 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. 27**
- 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 Travis County PGMA
- vi. Update on interim legislative activity

**4. Presentation.**

Presentation by the District Aquifer Science Team on the Application of Natural Fluorescence to Studies of Surface and Groundwater. **Pg. 33**

**5. Discussion and Possible Action.**

- a. Discussion and possible action related to an update on the status of the District's draft Habitat Conservation Plan and pending Section 10(a) Incidental Take Permit application with the U.S. Fish and Wildlife Service. **NBU**
- b. Discussion and possible action related to an Interlocal Agreement and Memorandum of Understanding with Travis County to support the installation of a multiport Trinity Aquifer Monitor Well in Travis County. **Pg. 39**
- c. 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. **Pg. 48**

**6. Adjournment.**

**Please note:** This agenda and available related documentation have been posted on our website, [www.bseacd.org](http://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 the effectiveness of Directors' communications with stakeholders and constituents for the 4th Quarter FY 2016 (June-August) per the collective judgment of the Board, as required by the District's Management Plan.**
- 4. Approval of records disposition in accordance with District records retention schedule.**
- 5. Approval of alternative dates for the November and December Board meetings and set the date for the District Holiday Party.**
- 6. Approval of an amendment to the contract with Hicks and Company for environmental document preparation services in support of the District's draft Habitat Conservation Plan and pending Section 10(a) Incidental Take Permit application with the U.S. Fish and Wildlife Service.**
- 7. Approval of Order declaring unopposed candidates and cancelling November 8, 2016 Director Elections.**

## Quarterly Board Judgment of Effective Director Communications

(as required by the District Management Plan)

**III.C.4. Objective 4. Demonstrate leadership in external communication, collaboration, coordination and joint planning with respect to groundwater and related resources.**

**Performance Standard 4-1: Cultivate and communicate effectively and routinely with stakeholders of all types that affect and are affected by the District's programs and policies.**

**Metric:** Collective judgment of the Board once each quarter as to whether communications between the District and its stakeholder community, including constituents and other public officials, are providing an effective basis for District decision-making and for identifying any needed remedial actions.

Date of Meeting:

9/8/16

Assessing Preceding Quarter of:

4<sup>th</sup> Quarter (June - August)

Collective Judgment:

Motion by:

Second by:

Supporting documentation attached including:

- Minutes of this meeting
- Copies of Director Compensation forms for previous quarter
- Any other documentation provided by the Directors

Records Disposition FY 2016					
BOX	Records #	Records Year and Series Titles	Retention Years	Suggested Destruction Date	Notes
1	1000-01 a	Agendas - County-stamped copies 1986-87 through 2012	2 years	various	Agenda copies on the server and on the website.
2	1000-01 a	Agendas - County-stamped copies 1986-87 through 2012	2 years	various	Agenda copies on the server and on the website.
3	1000-01 a	Agendas - County-stamped copies 1986-87 through 2012	2 years	various	Agenda copies on the server and on the website.
4	1000-37	2015 Meter Readings	PERMANENT	N/A	Permanently scanned onto the server.
5	1025-26 a	2013 Accounts Payable	3 years	2016	Used to be 3 years Used to be 3 years Used to be 3 years
	1050-53 b	2009 Payroll Taxes	4 years	2013	
	1050-53 b	2010 Payroll Taxes	4 years	2014	
	1050-53 b	2011 Payroll Taxes	4 years	2015	

**Note:** I have gone through each of these boxes (as is customary before disposition) and pulled any records found to be administratively valuable (AV).





**Barton Springs  
Edwards Aquifer**  
CONSERVATION DISTRICT

**MEMORANDUM**

**Date:** August 31, 2016  
**To:** Board of Directors  
**From:** John T. Dupnik, P.G., General Manager  
**Re:** Agenda Item 3.a.5 – Board meeting schedule

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Due to office closure during District Holidays in November and December, I am recommending a reduced Board meeting schedule with one meeting for each month. Staff recommends the following alternate schedule for November and December of 2016.

**November:**

11/10/16: 1<sup>st</sup> Regular Board meeting date.  
Recommendation: Postpone regular meeting until 11/17

11/24/16: 2<sup>nd</sup> Regular Board meeting date and Thanksgiving Day (District Holiday).  
Recommendation: Cancel regular meeting date.

**December:**

12/8/16: 1<sup>st</sup> Regular Board meeting date.  
Recommendation: Postpone regular meeting until 12/15

12/22/16: 2<sup>nd</sup> Regular Board meeting date and Christmas Eve Day (District Holiday).  
Recommendation: Cancel regular meeting date.

**Holiday Party Dates:**

Recommendation: 12/9  
Alternate Date: 12/2

**Restatement, Adoption and Amendment No. 3 to the Contractual Agreement  
for Environmental Document Preparation Services Between  
Barton Springs/Edwards Aquifer Conservation District  
and  
Hicks & Company**

On July 1, 2011 the Barton Springs/Edwards Aquifer Conservation District (“District”), and Hicks and Company (“Contractor”) entered into an agreement (Agreement) to complete a Draft and Final Environmental Impact Statement in connection with the District’s Habitat Conservation Plan and to assist the U.S. Fish and Wildlife Service (FWS) in preparation of a Record for Decision for the issuance of a Section 10(a)1(B) Incidental Take Permit under the 1973 Endangered Species Act.. The Agreement was amended January 9, 2014 and August 28, 2014. This is a restatement and re-adoption of, and Amendment No. 3 to, the Agreement, effective September 1, 2016, which addresses the scope and remaining fees, extends the term and updates the District’s and FWS’s representatives. All other provisions will remain as is in the Agreement, as amended.

This restatement, re-adoption and Amendment No. 3 are entered into by the District and the Contractor as evidenced by the signatures below. Except as specified in this Amendment, all other provisions of the Contractual Agreement as previously amended continue. Sections II, III and IV of the Agreement are amended as follows.

**Section II  
Scope, Compensation and Deliverables**

**Scope**

Contractor will support the FWS in the completion of remaining Original Scope of Works Tasks 4 through 7 identified in Exhibit A to this Agreement.

**Compensation**

The total fee for all tasks, inclusive of all direct and indirect costs and fee/profit, including labor, sub-consultants, telephone charges, travel, certain copying and printing costs to be incurred during the term of this Agreement, as amended, shall not exceed \$15,000.00, without the expressed, prior, written agreement of the District. Contractor is authorized to perform work through August 31, 2017. Contractor agrees that the scope of service identified above can be completed for the \$15,000.00 budgeted under this Amendment No. 3.

**Section III  
Term and Termination**

The Contractor will continue work under this agreement, as amended, which originally commenced on or before July 1, 2011, and the work will be completed in accordance with the provisions in Section II. The Agreement shall remain in full force and effect until August 31, 2017, unless terminated earlier by either party upon 15 days written notice. Contractor expressly acknowledges that the funds for this work are budgeted and authorized by the District only on a single fiscal-year basis, and continuing work under this Contract, if required, must be re-authorized as of each September 1. Under this amendment, work is authorized and budgeted through August 31, 2017, subject to the total not-to-exceed cost limitation in the Compensation subsection of Section II of this Agreement. In the event of termination Contractor will deliver to the District, all notes, memoranda, reports, maps, digital files, studies, plans, written analysis and other work in whatever form it may then exist, performed and paid for under this Contract, and District will pay Contractor for all work performed or irrecoverably committed as of the date of termination of the Agreement. All work performed and paid for under this Agreement shall be the property of the District.

**Section IV  
Relationship of the Parties**

Mr. John Dupnik will be the District's representative for overall contractual oversight to and administrative liaison with the Contractor. The Service's technical representative is no longer Mr. Kevin Connally. The FWS representative is Ms. Tanya Sommer.

The parties have executed this agreement in Austin, Texas, to be effective on the 1st day of September, 2016, without regard to the actual date signed below.

**Barton Springs/Edwards Aquifer  
Conservation District:**

**Hicks & Company  
Contractor:**

\_\_\_\_\_  
Blayne Stansberry  
Board President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Roy Frye  
Senior Project Manager

\_\_\_\_\_  
Date

**Attest:**

**Approved as to Form:**

\_\_\_\_\_  
Blake Dorsett  
Board Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
William D. Dugat, III  
Counsel

\_\_\_\_\_  
Date

## Exhibit A

### **Remaining DEIS and FEIS Tasks Required to Obtain an ITP for the Barton Springs/Edwards Aquifer Conservation District Habitat Conservation Plan September 8, 2016**

Representatives of the Barton Springs/Edwards Aquifer Conservation District, U.S. Fish and Wildlife Service (USFWS), and Hicks & Company met on August 30, 2016, to identify final tasks necessary to complete the Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS) required for the Authorization of Incidental Take, acquisition of the Incidental Take Permit (ITP) and Implementation of the Barton Springs/Edwards Aquifer Conservation District Habitat Conservation Plan (HCP). These tasks are described below.

#### **Task 1. Revise the July 2016 DEIS**

Revisions to the DEIS dated July 2016, will be incorporated in response to review comments and associated edits received from the USFWS regional office (including legal input from Department of Justice Solicitors) and Austin Ecological Services Field Office. These will be the last revisions made to the document before it is released for public review.

#### **Task 2. Public Meeting Coordination**

Hicks & Company will coordinate a public meeting that has been requested by the USFWS to solicit public comment during the 90-day DEIS public review and comment period. The USFWS has indicated that it has already prepared a Draft Notice of Availability (NOA) of the DEIS that will be posted in the Federal Register to initiate the public review period. Hicks & Company will assist with the development of a local press release (public meeting notice) in consultation with the USFWS and BSEACD that will include the date, time, format and location of the public meeting and will assist in locating a suitable facility for the public meeting. Hicks & Company will consult with the BSEACD to locate and reserve a suitable meeting location, staff the public meeting, provide meeting handouts and graphics as needed and compile any comments received during or after the meeting. It was decided the BSEACD will handle publication and associated costs of the newspaper notice announcing the public meeting.

#### **Task 3. Compile Public Comments on the DEIS, Prepare Responses and Revise DEIS**

*Subtask 3.1* Comments received during the public meeting, and later by the USFWS Field Office and the U.S. Government Public Comment Website during the 90-day public comment period, will be organized and compiled by Hicks & Company into a table arranged by chapter and section.

This comment response matrix will summarize the comments (duplicative comments will be nested and enumerated), provide responses agreed to by the USFWS and BSEACD and provide a location in the document where revisions were made as necessary.

*Subtask 3.2.* Any revisions to the DEIS necessitated by public comment will be reviewed by the USFWS. Depending upon the comments received, it is possible that the USFWS, Hicks & Company and/or the BSEACD will provide detailed suggested revisions to be agreed on and ultimately approved by the USFWS. Any revisions specific to the HCP will be directed by the USFWS to the BSEACD for resolution and implementation. Final responses to public comments and edits to the DEIS will be completed as needed through a team effort of the three parties with the USFWS as the ultimate decision maker regarding content and approach.

#### **Task 4. Prepare Final Environmental Impact Statement (FEIS)**

A FEIS will be prepared that will incorporate required edits or revisions generated during public and/or agency review and comment. Again, the USFWS will guide this process between the three parties and ultimately make final approval of the FEIS as indicated in Subtask 3.2, above. This task assumes Hicks & Company will conduct any necessary word processing and production of maps or GIS-based graphics. FEIS deliverables that will be sent to the USFWS will include 1 set of electronic files in a format requested by USFWS (likely PDF and/or MS Word format) and up to 6 hardcopies of the FEIS document.

This Scope of Services does not include the following as they will be performed by the USFWS as indicated during the meeting of August 30, 2016.

- 1) Preparation of a Notice of Availability of Draft and Final EIS and associated Federal Register Notices;
- 2) Section 7 Consultation (Biological Assessment and Biological Opinion documents); and
- 3) Preparation of a Record of Decision and Notice of Intent to Issue a Section 10A1(b) ITP.

Schedule:

Due to a currently unknown schedule for receipt of USFWS review comments on the DEIS, and unknown extent of revisions/changes to the DEIS that will be needed, a firm schedule for completing Tasks 1-4 presently cannot be determined.

**CERTIFICATION OF UNOPPOSED CANDIDATES  
CERTIFICACIÓN DE CANDIDATOS ÚNICOS**

**To: Presiding Officer of Governing Body**  
*Al: Presidente de la entidad gobernante*

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on November 8, 2016.

*Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 8 de noviembre, del 2016.*

**List offices and names of candidates:**  
*Lista de cargos y nombres de los candidatos:*

<b>Office(s) Cargo(s)</b>	<b>Candidate(s) Candidato(s)</b>
Director <i>(Distrito)</i> Precinct <i>(Precinto)</i> 1	Mary Stone
Director <i>(Distrito)</i> Precinct <i>(Precinto)</i> 3	Blake L. Dorsett
Director <i>(Distrito)</i> Precinct <i>(Precinto)</i> 4	Robert (Bob) Larsen

*Dana Christine Wilson*  
**Signature (Firma)**

*Dana Christine Wilson*  
**Printed name (Nombre en letra de molde)**

*Election Agent*  
**Title (Puesto)**

*September 1, 2016*  
**Date of signing (Fecha de firma)**

**(Seal) (sello)**

## ORDER CANCELLING GENERAL ELECTION

### **BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT'S ORDER DECLARING UNOPPOSED CANDIDATES FOR DIRECTOR PRECINCTS ONE (1), THREE (3), AND FOUR (4); CANCELLING NOVEMBER 8, 2016 GENERAL ELECTION IN SINGLE MEMBER DISTRICTS PRECINCTS ONE (1), THREE (3), AND FOUR (4); REPEALING CONFLICTING ORDERS; AND PROVIDING FOR OTHER MATTERS IN CONNECTION WITH THE CANCELLATION**

**WHEREAS**, the Board of Directors ("Board") of the Barton Springs/Edwards Aquifer Conservation District ("District or "BSEACD") on August 11, 2016, adopted an order calling a general election to be held on November 8, 2016 (the "Election"), for the purpose of electing directors from the District director Precinct numbers one (1), three (3), and four (4); and,

**WHEREAS**, the Board entered into contracts for election services with Caldwell and Hays Counties for conducting the election (the "Contracts"); and

**WHEREAS**, Texas Election Code Sections 144.005 and 146.054, establish deadlines for filing applications for a place on the ballot and for receiving declarations of write-in candidacy for the Election which have now expired; and

**WHEREAS**, Dana Christine Wilson, the District's duly designated Custodian of Records and Agent to the Board Secretary ("Agent"), in the Election has certified in writing to the Board that Mary Stone is the sole candidate for election to the Director position of Precinct 1 in the General Election, Blake L. Dorsett is the sole candidate for election to the Director position of Precinct 3 in the General Election, and Robert (Bob) Larsen is the sole candidate for election to the Director position of Precinct 4 in the General Election; and

**WHEREAS**, the Board hereby finds and determines that the candidates whose names are to appear on the ballot in said election for Director are unopposed, there are no declared write-in candidates, and no propositions are to appear on the ballot for said Election; and

**WHEREAS**, Texas Election Code, Chapter 2, Subchapter C, authorizes the Board, upon receipt of certification that candidates for an election are unopposed, to declare the unopposed candidates to be elected and, further authorizes the Board to cancel that part of the General Election.

**NOW, THEREFORE, IT IS ACCORDINGLY FOUND, DECLARED, AND ORDERED BY THE BOARD OF DIRECTORS OF THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT THAT:**

**SECTION 1.** The facts and matters set forth in the preamble of this Order are hereby found to be true and correct.

**SECTION 2.** In accordance with Texas Election Code Section 2.053(a), the following unopposed candidates in the General Election in Precincts one (1), three (3) and four (4) are hereby declared duly elected to the respective office shown and shall be issued a certificate of election following the date on which the Election for Directors was to have been held:

- Director Precinct 1, Mary Stone
- Director Precinct 3, Blake L. Dorsett
- Director Precinct 4, Robert (Bob) Larsen

**SECTION 3.** Pursuant to Texas Election Code Section 2.053(b), the part of the General Election applying to the directors of Precincts one (1), three (3), and four (4) ordered by the Board for November 8, 2016, shall not be held and are hereby canceled and the District's Agent is hereby directed to cause a copy of this Order to be posted on Election Day at all polling places that would have been used in such Election. The District's Agent is hereby authorized to take any further actions authorized by or necessary under the Texas Election Code or other law to cancel the November 8, 2016 General Election for the District.

**SECTION 4.** The Board further finds that the cancellation of the Election makes it unnecessary for the District to continue participating in the Contracts with Travis, Caldwell and Hays Counties and hereby authorizes and directs the District to notify the parties to the Contracts of the cancellation of the Election and to notify the parties that the District will no longer be participating in the Contracts. Representatives of the District, including the District's Agent, are hereby authorized to take any additional steps necessary to fulfill the District's obligations under the Contracts, if any, and to terminate the Contracts, if necessary, in a manner consistent with this Order. All orders of this Board in conflict with the provisions of this Order are hereby repealed to the extent of such conflict.

**SECTION 5.** Should any section, paragraph, sentence, clause, phrase, or word of this Order be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this Order shall not be affected thereby, and to this end the provisions of this Order are declared to be severable.

**SECTION 6.** It is hereby found and determined that the meeting at which this Order was passed was open to the public as required by Section 551.001 *et seq.*, Texas Government Code, and that advance public notice of the time, place, and purpose of said meeting was given.

**SECTION 7.** This Order shall take effect immediately upon its passage.

*[Remainder of page intentionally left blank.]*



**PASSED AND APPROVED THIS \_\_\_ DAY OF SEPTEMBER, 2016.**

**BARTON SPRINGS/EDWARDS  
AQUIFER CONSERVATION DISTRICT**

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Blayne Stansberry  
President, Board of Directors

**ATTEST:**

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Blake Dorsett  
Secretary, Board of Directors

[SEAL]

## **Item 3**

### **Routine Business**

#### **b. General Manager's Report.**

Note: Topics discussed in the General Manager's Report are intended for administrative and operational information-transfer purposes. The Directors will not deliberate any issues arising from such discussions and no decisions on them will be taken in this meeting, unless the topic is specifically listed elsewhere in this as-posted 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.**

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- 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 Travis County PGMA**
- vi. Update on interim legislative activity**

STATUS REPORT UPDATE FOR SEPTEMBER 8, 2016 BOARD MEETING

Prepared by District Team Leaders

PROJECT / ACTIVITY DESCRIPTION	Date	Leader, Staff	STATUS/COMMENTS
<b>GENERAL MANAGEMENT TEAM</b> John Duprak			
External Meetings Attended: TCEQ stakeholder meeting on TLAP rule petition; Hill Country Conservancy Trust organizational meeting; Tom Hegemier on Roadway reviews; TxDOT on Mopac intersection WPAP; TAGD water planning committee (con call); Travis County (Tom Weber con call) on PGMA analysis; The Standard on District retirement plan; Sledge Law (con call) on PGMA; Dripping Springs affected parties; USFWS and Hicks on DEIS planning; Dave Anderson on Walton application; Other Meetings: with Job on EPM; Presentations: None; Conferences/Seminars: TAGD Groundwater Summit			
Ongoing Special Projects: TDS saline zone investigation, TWDB RFP grant; Trinity GAM extension support; Dripping Springs TPDES Permit review; Travis County PGMA; Employee Policy Review; SI-45 plan review Committees and Workgroups: Region K (voting member); GMA 10 (voting member); Regional WQ Plan workgroup; Region K Legislation and Policy committee; Region K strategy prioritization committee; Region K water supply strategy committee; Region K executive committee nomination committee; TAGD legislative committee (regional planning; ASR, brackish gw); TWCA groundwater committee; Travis County PGMA workgroup			
Routine Activities/Day-to-Day Operations: provided general oversight of staff incentive projects and activities, and oversight of day-to-day operations; approved purchase orders and expenditures; approved timesheets; 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 subcommittees; respond to media requests; disseminate media reports and journal articles of possible interest. Consultation with Attorney on: Dripping Springs TPDES application, Senate Hearing response letter; PGMA legislation; Other Activities: Travis County IIA; RFP grant project; EIP test well; coordinate annual report planning, conduct staff performance evaluations, PGMA workgroup, EIP test wells, Travis County IIA, consultant coordination on DEIS, consultant coordination on Mopac intersection review, complete staff incentive project review, finalize staff salary adjustments/award performance bonuses and incentive compensation, schedule team meetings on FY17 projects, solicit inputs on FY17 goals.			
Summary of Significant Ongoing Activities	8/31/2016	JD	Meetings, Training, Presentations, and Conferences
	8/31/2016	JD	Ongoing Special Projects, Committees, and Workgroups
	8/31/2016	JD	Routine Activities and Day-to-Day operations

<b>ADMINISTRATION TEAM</b> Dana Christine Wilson			
Accounts Receivable - A	9/1/2016	DCW	Permittee accounts carrying a past due balance; Currently there are no past due accounts.
Accounts Receivable - B	9/1/2016	DCW	FY 2017 Annual, 1st quarter, and September monthly billings went out on August 16th. Payments are in process of coming in. Due on the 5th and late on the 16th.
Election 2016 Update	9/1/2016	DCW	Election will be cancelled. Agend item for this meeting.
Employee Policy Manual	9/1/2016	DCW	In process of finalizing Board approved at last meeting.
Financial Reporting - Website	9/1/2016	DCW	Profit and Loss Statement, and Balance Sheet through March 2016. (Computer issues have prevented this update; in process of being worked on with IT.)
Grants and Projects - TWDB Regional Facilities Planning	9/1/2016	DCW	Issues being discussed with TWDB before invoicing can be done.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Records Management, Storage, and Retention	DCW	9/1/2016	Disposing of several boxes of records.	Agenda item this meeting.
Retirement Plan and Trust	DCW	9/1/2016	Annual compliance process for The Standard - our third party pension plan administrator.	Required actions occur in August through September that include final payroll submission, and compliance testing data validation. This report is required by pension law, specifically Government Code 802.
Transparency Stars - IN PROCESS	DCW	9/1/2016	This is a Texas Comptroller of Public Accounts program that has recently been launched to recognize local government entities that accomplish opening their books and providing clear and meaningful financial information by posting financial documents.	We may be applying for 2 of these 5 stars. There are several requirements, one being a particular data format which may or may not be do-able. The 2 stars we may qualify for are the financial star, and the pension fund star. The others are not applicable to us, i.e. debt obligations, and bonds.
<b>REGULATORY COMPLIANCE TEAM</b> Valeria Pachar				
Limited Production Permits (LPPs)	KBE, VE, SD	9/1/2016	Annual Meter Readings	Sept 1 is the due date for when meter reading forms are due to the District. In the past LPPs were to submit meter reading forms on a monthly basis, but with the recent rule change the District relaxed that requirement to annual basis. As of 9/1/16 staff has only a 20 % compliance with this requirement. Staff will continue to accept meter readings until the 9th and after that staff will obtain the meter readings in person and charge \$50 invoices to the well owners. During the first week of September staff will reach out to LPP well owners by phone, email and letter in order to encourage compliance.
Temporary/ Regular Permits	KBE, VE, SD	9/1/2016	Conversion of a Temporary Permit to a Regular Permit	Needmore Water LLC is currently a Temporary Permit that is being prepared for administrative completeness and public notice. A public hearing date is still to be determined.
Goforth WSC	KBE, VE, SD	9/1/2016	Replacement Well	The PWS has submitted an application to drill a new Edwards well to replace a nonfunctioning well. The nonfunctioning well had issues with an obstruction during the replacement of a pump. Goforth plans to plug the old well once the new well has been successfully completed. The Replacement Well Drilling Application was approved by the GM on 8/3/16. Well is currently being drilled.
Aqua Texas	KBE, VE, SD	9/1/2016	Replacement Well	The PWS has submitted an application to drill one new Edwards well to replace two nonfunctioning wells in the offline Hummingbird System. The nonfunctioning well had issues with low production and water quality. Aqua plans to plug the old wells once the new well has been successfully completed. They also plan to conduct an abbreviated Aquifer Test and Hydrogeological Report. The Replacement Well Drilling Application was approved by the GM on 6/20/16. The two deteriorated wells have been plugged, the new well has been drilled and completed, and an abbreviated pump test has been conducted.
Electro Purification	KBE, VE, SD	9/1/2016	Test Well Permit - General Permit	On 3/15/16 Electro Purification withdrew its Temporary/ Regular Permit application for 30,000,000 gal-yr and submitted a contemporaneous filing of 6 test well permit applications. The applicant has submitted an updated aquifer test plan and design. Staff provided a letter response to Wetrock requesting additional information by 9/9/16.
Industrial Asphalt	KBE, VE, SD	9/1/2016	Test Well Permit - General Permit	On 6/28/16 Industrial Asphalt submitted a minor amendment application requesting a production increase of their current 2,000,000 gpy permit to a 4,000,000 gpy. Their increase request is to replace the volume of water that they currently haul in from off site. The permit is currently being reviewed by staff. On a related note, TCEQ is conducting a sediment spill investigation on 8/29/16 and staff will seek an update from both TCEQ and the Permittee.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Gragg Tract LP	KBE, VE, SD	9/1/2016	Well Drilling Authorization	On 6/27/16 Gragg Tract LP (Walters Southwest) submitted well drilling authorization to drill a Lower Trinity for the purpose of PWS and Irrigation. The test well will be located on the Gragg Tract off of Old Bliss Spillar in Manchaca near the SH 45 SW right of way. The permit is currently being reviewed by staff.
General Manager Approved Permits	KBE, VE, SD	9/1/2016	Individual Permits < 2,000,000 gal/yr	No new update.
Drought Statue - No-Drought	KBE, VE, SD	9/1/2016	Drought Compliance Monitoring and Enforcement	No new update. No-drought was declared on January 29, 2015. Staff sent out email and letter to all permittees notifying them of no-drought status.
<b>EDUCATION &amp; OUTREACH</b>				
Strategic Walk and Talk	RG	9/1/2016	Door-to-door education	Each year the District retains a contract with an education team to be able to respond quickly and notify well owners in the event of a spill that would adversely affect water quality for groundwater users. If by the end of the fiscal year, no spill has occurred, the educational team visits with landowners to increase knowledge of the District, its programs, and groundwater resources in the area. This year, the education team visited landowners at the northwest end of Hilliard Road. Wells are dominantly Trinity aquifer and not many well owners have signed up for the eNews or solicited information on District programs. The education team visited over 150 homes, left 150 flyers and got 32 email addresses for folks that would like to receive the eNews.
Citizen Science	RG, BH	9/1/2016	Planning, collaboration	Several well owners have expressed interest in helping monitor water levels. As a pilot, two well owners have been loaned an older eline and an older sonic meter. The eline will be used to monitor that well owner's well only. The sonic meter will be used to monitor 4 wells in the same neighborhood. Wells will be monitored by the volunteers once a week for a month or so. It has already been a great teaching tool to help them understand natural seasonal water variability (droughts, recharge).
GIS	RG	9/1/2016	Mapping	The Regional Hydrogeology datasets and associated maps are complete. Base datasets have been provided to UT BEG for an educational sign at Goat Cave Preserve. Stephen has begun processing and updating CCN boundaries.
Enews Blast	RG	9/1/2016	September eNews	The September eNews will be released on September 6, 2016 to commemorate Protect our Groundwater Day. Planned articles include elections cancellation announcement, wells and stormflow spills, purpose of aquifer tests, and Westbay installation overview.
Internet Traffic Report	RG	9/1/2016	Page views and visits to the District Website	The shift to the new District website is complete. All elements are functional, however minor improvements will continue to be made over the next month or so. Analytics are not available at this time due to the domain shift. The District Facebook page now has 499 'Likes' and responses to posts have been very positive.
<b>AQUIFER SCIENCE</b>				
Dye Tracing	BS, BH	9/1/2016	Dye tracing	Discussions are underway with the EAA and CoA about potential dye tracings in the upcoming months in the Blanco and Onion watersheds. The City has injected at various locations along SH45.
Central Hays County Groundwater Evaluation	BH, BS, JC	9/1/2016	Well and hydrogeology characterization	District staff are establishing a monitoring network of nearby wells to collect data during the IP aquifer test. Hays County has approved funds to support these efforts, including the installation of a multipoint monitor well.
Antioch Cave	BS, BH, JC	9/1/2016	Onion Creek Recharge Enhancement Project	The Antioch system is open to allow recharge, and there is flow in Onion Creek due to heavy rains in August.

	Leader, Staff	Date	PROJECT / ACTIVITY DESCRIPTION	STATUS/COMMENTS
Water-Quality Studies	BS, BH, JC	9/1/2016	Sampling and analysis of groundwater and surface water	District staff started work with a geochemist to evaluate the years of data we have collected on behalf of the TWRB. Staff have completed sampling wells and springs as part of the Magellan Pipeline monitoring effort.
Saline Zone Studies	BS, BH	9/1/2016	Installation of multipoint monitor well	Drilling began August 3, 2016 at the TDS site. Installation of the multipoint was finished on August 24. Testing and sampling of the well will begin by about Sept. 15. It will be about 2 months before the initial testing and sampling is completed.
Drought and Water-Level Monitoring	BH, BS, JC	9/1/2016	Drought status, monitor wells, and synoptic water level events	Following a brief period of receding water levels in July and August, the water level in Lovelady well is rising again because of over 12 inches of rain from Aug. 13 through 21. As of September 1, the water level in the Lovelady well was at 544.1 ft above msl and Barton Springs was flowing at 114 cfs.
Information Transfer	BS, BH, JC	9/1/2016	Presentations, conferences, reports, and publications	Brian Smith attended a conference in San Juan in late January on contamination in karst and public health and is working on a paper to be published in a journal. Brian Hunt will present the results of the Onion Creek study from 2015, which will be published at the CACIS conference (Sept 2016). Staff are also working on finalizing some other technical reports and documents.
Aquifer Testing	BS, BH, JC	9/1/2016	Planning, participation, and review of aquifer tests	Staff continue working with EIP regarding their planned aquifer test scheduled for September or October.
<b>AD-HOC TEAMS</b>				
Technical Team	BAS	9/1/2016	Current areas of discussion	Topics of discussion at the technical team meeting in July were the RTP grant, update to the Trinity model, EIP aquifer test, and Dripping Springs issues. The August technical team meeting was canceled due to drilling activities.
Planning Team	JD	8/31/2016	Strategic and tactical planning and discussion topics	New Business: Legislative Update: Dripping Springs TPDIS permit; Annual Report planning; Employee Policy Manual edits.
Benefits Team	VE/SJ/TR	9/1/2016	Research alternative health plan benefits packages and provide recommendation.	The team provided staff with an employee benefits survey to assess employees' satisfaction with the Health Insurance Plan (United Healthcare All Savers). In May 2015 the District made the switch to this new plan to save costs while maintaining the same level of coverage that has been previously provided. The employees provided feedback that while there is an overall general satisfaction with most aspects of the plan, there are particular areas that have changed that increases costs to the employee. The District also received a renewal notice informing that the insurance rates will go up 16%. The ad hoc team will be meeting with the District's benefits coordinator to review some insurance plan comparisons. The team will produce a memorandum to summarize the feedback of the employee survey plan options.

	Leader, Staff	Date	PROJECT /ACTIVITY DESCRIPTION	STATUS/COMMENTS
<b>Database Team</b>	RG/VE	9/1/2016	Identify District database needs and research vendors and options for database improvements	<p><b>Current Database Scheme:</b> There are inefficiencies with the 10 yr old system including limited functionality, unstable design structure that requires continuous maintenance and improvements, and inefficient or redundant workflows in the database system that increase staff time and effort.</p> <p><b>Objectives include:</b> This ad hoc team is working towards providing a recommendation to GM/Board for improving the efficiency of District operations through enhanced data management tools. Recommendation will address creating an integrated hydrologic database, streamlining the permitting and annual process, providing real time data access and entry, improving data analysis for management plan and HCP related reports, providing a robust QA/QC process for continuous monitoring data, and creating online accessibility of monitoring data for public education, Directors and staff.</p> <p><b>Team Activities:</b> The ad hoc team and staff are currently working through the exercise of identifying database needs and defining long term objectives for moving forward with the development of an integrated database management scheme. Currently, all of the core teams (Admin, AquSci, Edu Outreach, Reg Comp) are evaluating existing workflows and the existing database functions that we use. Staff met with Clearwater GCD and received an in-depth overview of their database investment and capabilities of their new data management tools.</p> <p><b>Next Steps:</b> Define the District's overall functionality and data management needs, research tools that other GCDs use, schedule data management demonstrations with GCDs and consultants, define a budgeting scope.</p>
<b>UPCOMING ITEMS OF INTEREST</b>				
Protect Your Groundwater Day		9/6/16		
1st September Board Meeting		9/8/16		
Water Roundtable Capitol Briefing		9/8/16	2:30-4pm, Texas Capitol	
RWQIP workgroup meeting		9/9/16	NWNW, Southwest Austin	
HNRC Hearings on interim charges		9/20/16	1pm, Fort Stockton	
HNRC Hearings on interim charges		9/20/16	1pm, Del Rio	
2nd September Board Meeting		9/22/16		
Driller Workshop		9/28/16	Barton Springs Pool	
Texas Hydro Geo Workshop		9/30/16	Thu 10:2, Cave without a name	
Water Forum VII, Edwards Aquifer Conters.		10/11/16	11am-2pm, Historic Pearl Stable, San Antonio	
Region K Quarterly Meeting		10/12/16	10am, LCRA offices	

## **Item 4**

### **Presentations**

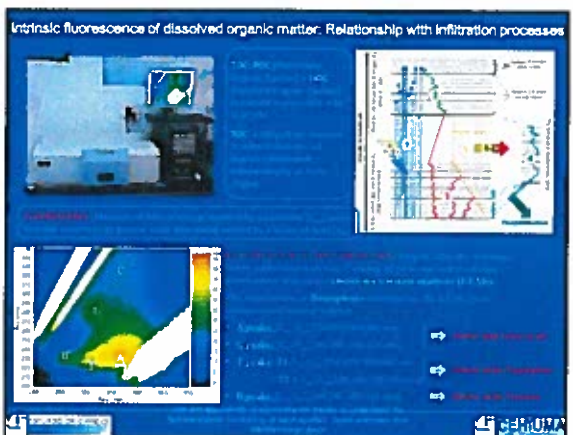
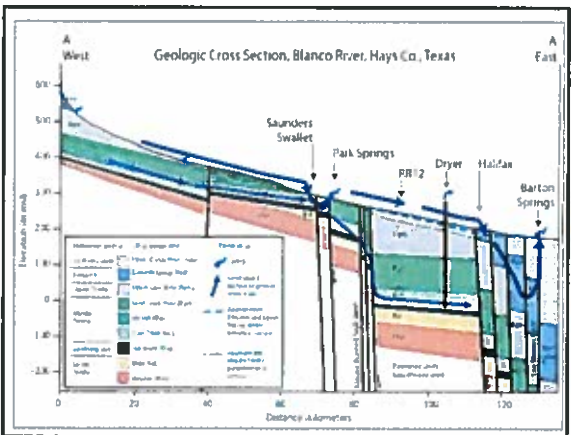
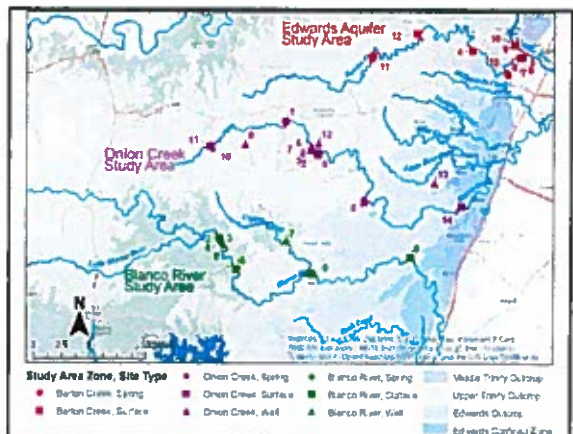
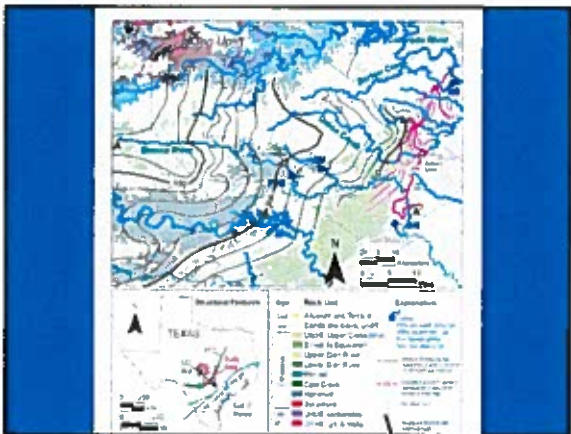
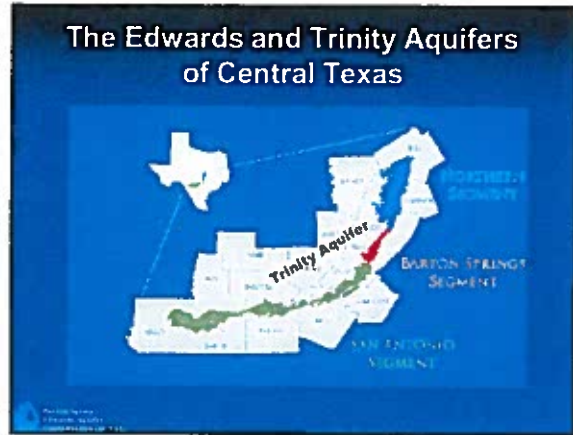
**Presentation by the District Aquifer Science Team on the Application of Natural Fluorescence to Studies of Surface and Groundwater.**

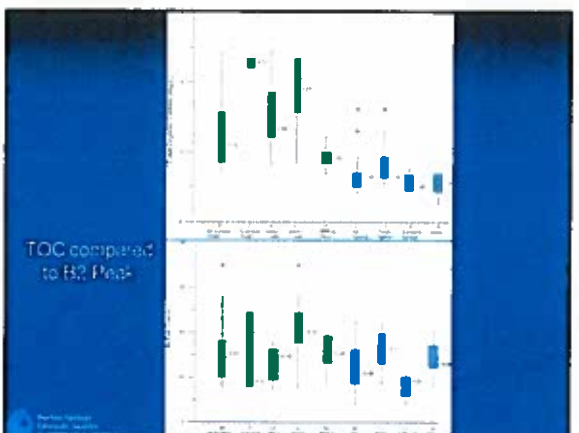
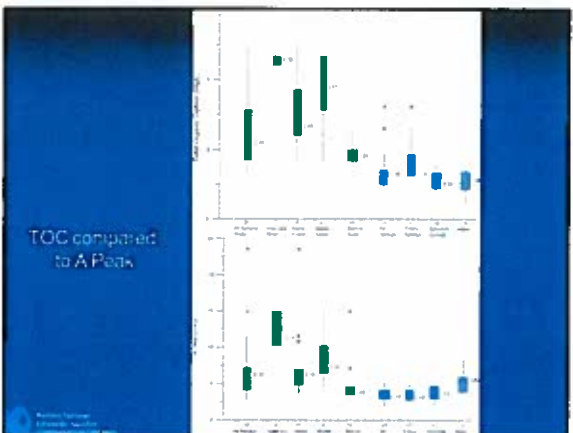
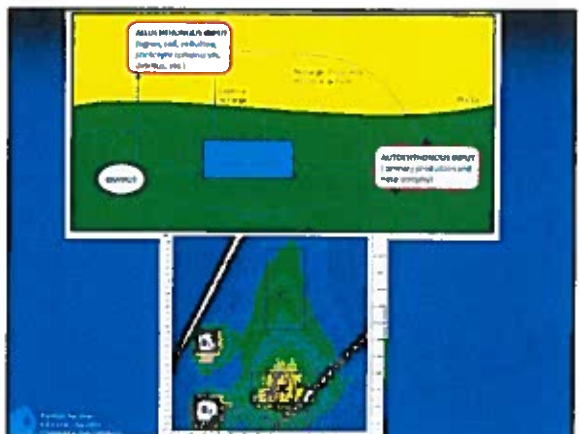
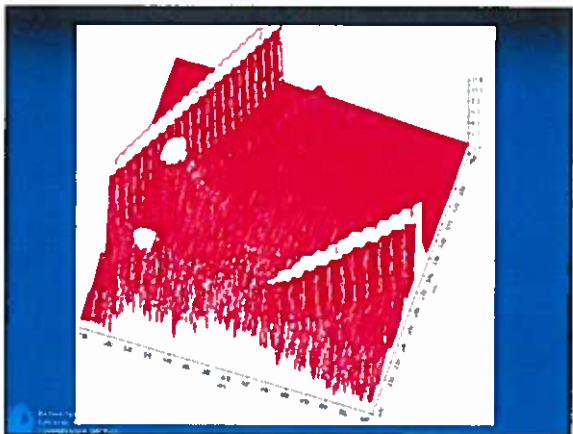
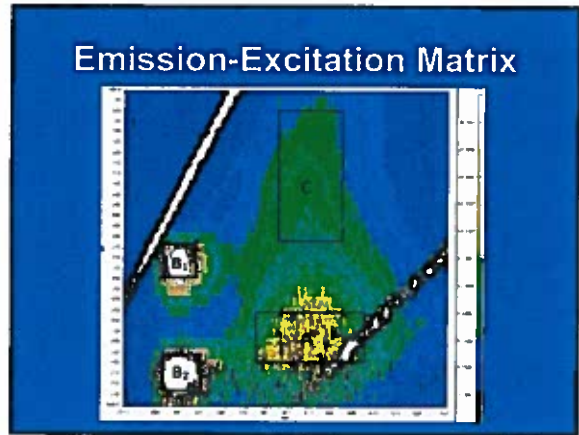


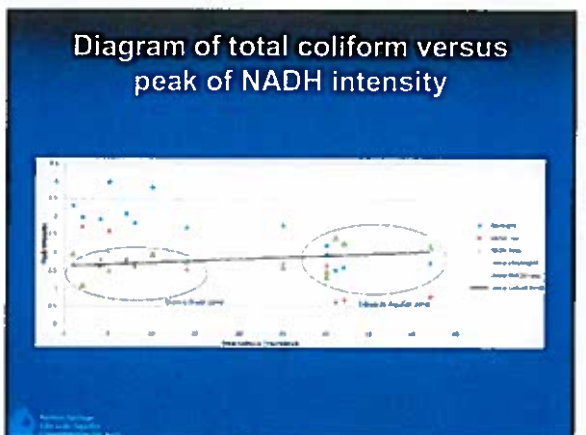
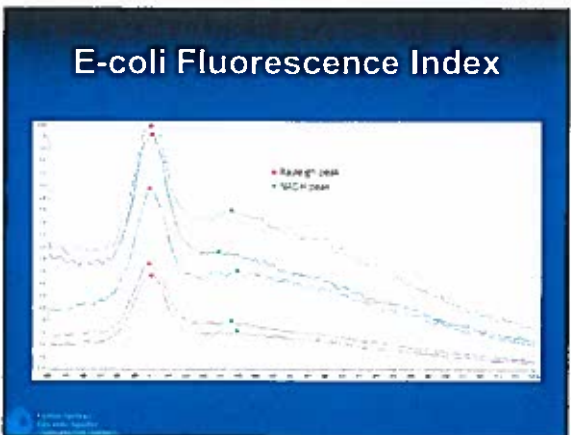
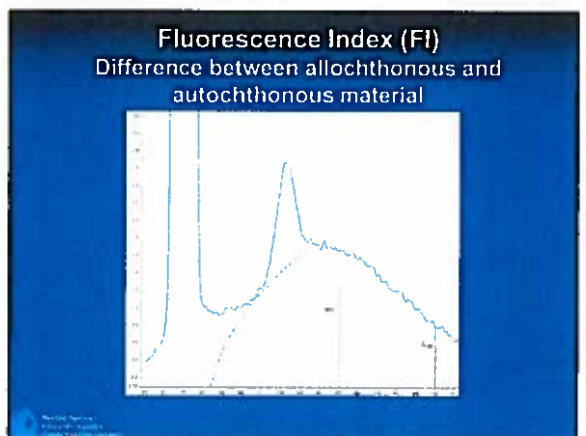
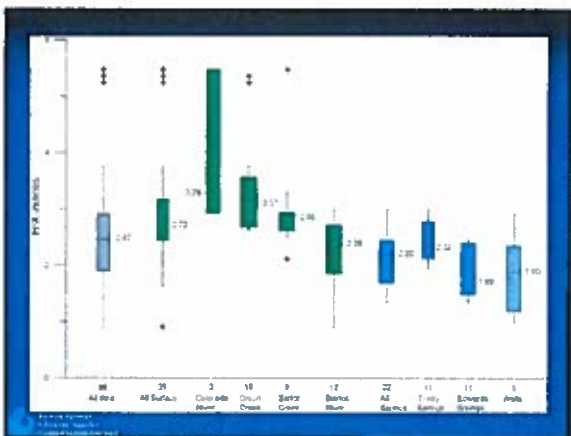
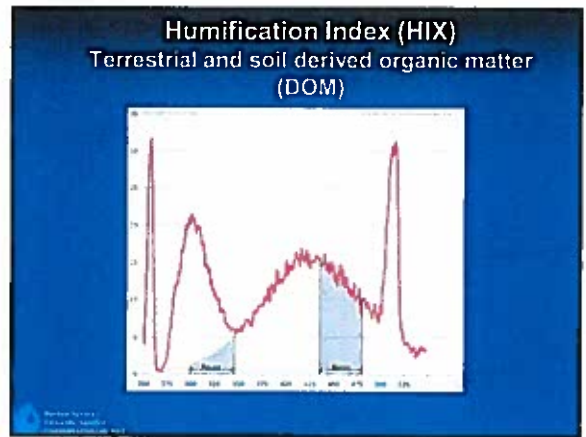
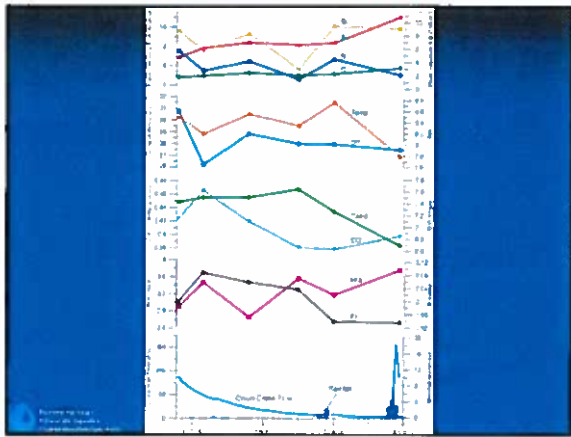
## Application of Natural Fluorescence to Studies of Surface and Groundwater

Francisco Martínez, University of Malaga, Spain  
 Brian B. Hunt, BSEACD  
 Brian A. Smith, BSEACD

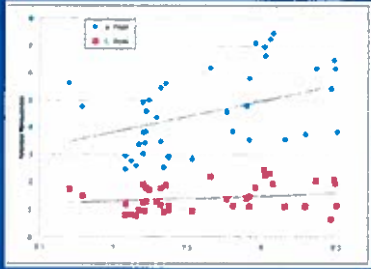
Presentation to City of Austin  
 August 31, 2016

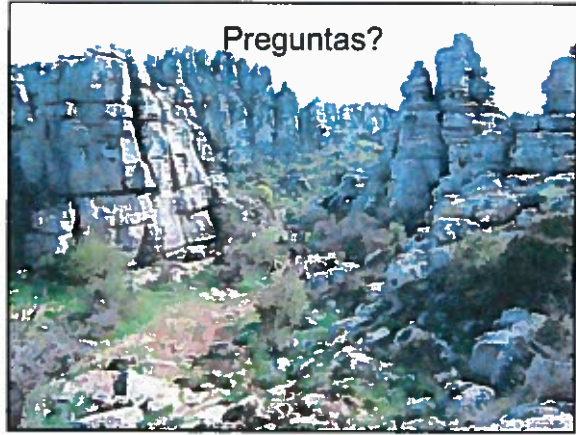




pH versus intensity of fluorescence of peaks A and C



Preguntas?



## **Item 5**

### **Board Discussions and Possible Actions**

- a. Discussion and possible action related to an update on the status of the District's draft Habitat Conservation Plan and pending Section 10(a) Incidental Take Permit application with the U.S. Fish and Wildlife Service.**

## **Item 5**

### **Board Discussions and Possible Actions**

**b. Discussion and possible action related to an Interlocal Agreement and Memorandum of Understanding with Travis County to support the installation of a multiport Trinity Aquifer Monitor Well in Travis County.**

**INTERLOCAL FUNDING AGREEMENT  
FOR MULTIPOINT TRINITY AQUIFER MONITOR WELL IN TRAVIS COUNTY**

This Interlocal Funding Agreement and Memorandum of Understanding (the "Agreement") is entered into by and between the Barton Springs Edwards Aquifer Conservation District, a special district created under Chapter 8802 of the Texas Special District Local Laws Code and having authority under Chapter 36 of the Texas Water Code ("BSEACD"), and Travis County, a political subdivision of the State of Texas ("the County") (collectively, the "Parties"), related to study of the Edwards and Trinity aquifers in Travis County and the Central Texas region.

**RECITALS**

**WHEREAS**, the Parties have a history of collaborating to study and better understand the availability of groundwater within Travis County and the region; and

**WHEREAS**, the southwestern portion of Travis County is located in the Hill Country Priority Groundwater Management Area ("PGMA") and in Groundwater Management Area ("GMA 9") but currently has no groundwater conservation district or representation in the GMA 9; and

**WHEREAS**, the Parties recognize that the Trinity Aquifer is a shared aquifer that is overlain by area in both the Hill Country PGMA and the BSEACD in Travis County and is of mutual interest to both the County and the BSEACD; and

**WHEREAS**, the Parties recognize the benefit of groundwater monitoring and data collection in the Trinity Aquifer in the Travis County portion of the Hill Country PGMA to improve groundwater availability determinations in Travis County and modeling and planning efforts in GMA 9 and the BSEACD; and

**WHEREAS**, the Parties believe that the installation of a multipoint monitor well will better enable the study of groundwater availability and the understanding of the regional effects of drawdown of the Trinity Aquifer in Travis County; and

**WHEREAS**, the Parties agree that the best way to promote their mutual desire to have a better understanding of groundwater availability is to collaboratively support monitoring of groundwater within the region;

**NOW, THEREFORE**, in consideration of the foregoing and the mutual terms and conditions of the Parties in this Agreement, the County and BSEACD agree as follows:

**ARTICLE 1  
PURPOSE**

The purpose of this Agreement is to provide BSEACD with sufficient funding to enhance subsurface characterization with the installation of a multipoint monitor well

within Travis County ("Travis County Monitor Well") that will provide data that could support an expansion/refinement of the Hill Country Trinity Groundwater Availability Model ("GAM") by the Texas Water Development Board ("TWDB") as further described in Exhibit A.

**ARTICLE 2  
OBLIGATIONS AND RIGHTS OF BSEACD**

**2.1** BSEACD hereby agrees to contribute \$40,000.00 USD in value made up of cash, in-kind labor, and/or equipment to support installation of the Travis County Monitor Well and ongoing sampling and data collection.

**2.2** BSEACD hereby agrees to perform tasks associated with the Travis County Monitor Well including project management of the well installation, sampling and data collection, data analysis, report compilation, and long-term monitoring and maintenance.

**2.3.** BSEACD agrees to perform each of the supporting project tasks set forth in Exhibit A in general accordance with the schedule attached hereto as Exhibit B (incorporated herein), delivering a preliminary report on the Travis County Monitor Well by June of 2017 and continuing to perform such project tasks through the end of calendar year 2017.

**2.4** BSEACD agrees to collaborate with the County in the siting of the Travis County Monitor Well.

**ARTICLE 3  
OBLIGATIONS OF THE COUNTY**

**3.1** Travis County agrees to provide funding to BSEACD for the Travis County Monitor Well project activities within Travis County. Within thirty (30) days of the Effective Date, the County shall pay BSEACD one hundred thousand dollars (\$100,000.00 USD) to contribute to the cost of the installation of a multiport monitor well and the performance of supporting project tasks as highlighted in Exhibit "A"

**3.2** If BSEACD is unable to or does not otherwise perform the tasks cited in Exhibit A by end of calendar year 2017, then BSEACD shall return the monies paid by Travis County within thirty (30) days of the end of the 2017 calendar year. If BSEACD performs only a portion of the tasks cited in Exhibit A by end of calendar year 2017, then it shall return an appropriate portion of the monies paid by Travis County, as agreed by the Parties.

**ARTICLE 4  
TERM AND TIME OF PERFORMANCE**

**4.1** The effective date of this Agreement shall be the date last executed by the Parties, below (the "Effective Date"). The term of the Agreement shall continue from the



Effective Date until January 31, 2018, or until the Parties have fulfilled all obligations under this Agreement.

**ARTICLE 5  
NOTICE**

5.1 Except as may be otherwise specifically provided in this Agreement, all notices, demands, requests, or communications related to non-compliance issues required or permitted hereunder shall be in writing and shall either be (i) personally delivered against a written receipt, or (ii) sent by registered or certified mail, return receipt requested, postage prepaid and addressed to the parties at the addresses set forth below, or at such other addresses as may have been theretofore specified by written notice delivered in accordance herewith:

**BSEACD:** Barton Springs Edwards Aquifer Conservation District  
Attn: John T. Dupnik, P.G., General Manager  
1124 Regal Row  
Austin, Texas 78748  
(512) 282-8441  
(f): (512) 282-7016  
Email: [jdupnik@bseacd.org](mailto:jdupnik@bseacd.org)

**COUNTY:** Steven M. Manilla, P.E. (or successor)  
County Executive, TNR  
P. O. Box 1748  
Austin, Texas 78767

**AND:** Cyd Grimes, C.P.M., CPPO (or successor)  
Travis County Purchasing Agent  
P.O. Box 1748  
Austin, Texas 78767

**WITH COPY TO:** David Escamilla (or successor)  
Travis County Attorney  
P. O. Box 1748  
Austin, Texas 78767  
File No. 291.705

**ARTICLE 6  
DISPUTE RESOLUTION**

6.1 Negotiation. The Parties will attempt in good faith to resolve promptly through negotiation any claim or controversy arising out of or relating to this Agreement. If a controversy or claim should arise, the Parties agree to each select a Representative and to have those Representatives meet at least once to attempt in good faith to resolve the dispute. For such purpose, any Party may request the others to meet within ten (10)

days, at a mutually-agreed-upon time and place. The Parties shall, within ten (10) days after the Effective Date of this Agreement, each designate to the other their respective Representatives, who shall be an executive-level individual with authority to settle disputes subject to approval of the party's governing body. Each of the Parties may change the designation of its Representative, but shall maintain at all times during the term of this Agreement a designated Representative and shall ensure that the other Parties are notified of any change in the designation of its Representative.

**6.2 Mediation.** If the dispute has not been resolved within sixty (60) days after the first meeting of the designated Representatives (or such longer period of time as may be mutually agreed upon), any of the parties may refer the claim or controversy to non-binding mediation conducted by a mutually-agreed-upon party qualified to perform mediation of disputes related to the subject matter of this Agreement (herein referred to as the "Mediator") by sending a written mediation request to the other party. In the event that such a request is made, the Parties agree to participate in the mediation process. The Parties and the Mediator may join in the mediation any other party necessary for a mutually acceptable resolution of the dispute. Should the Mediator ever be unable or unwilling to continue to serve, the parties shall select a successor Mediator. The mediation procedure shall be determined by the Mediator in consultation with the parties. The fees and expenses of the Mediator shall be borne equally by the parties.

**6.3 Litigation.** If the dispute is not resolved within thirty (30) days after the commencement of mediation, or if no mediation has been commenced within ninety (90) days after the first meeting between Representatives (or such longer period of time as may be mutually agreed upon), any of the Parties may commence litigation to resolve the dispute in any Texas state court of competent jurisdiction, or in the United States District Court for the Western District of Texas, Austin Division, to the extent said Court shall have jurisdiction over the matter.

## **ARTICLE 7 MISCELLANEOUS**

**7.1 Not-to-Exceed; Budget Out.** Under no circumstances shall BSEACD obligation exceed the amount cited in Section 2.1, above, unless otherwise agreed in writing by the Parties. Notwithstanding any other provision of this Agreement, if the BSEACD or the Travis County Commissioners Court fails to appropriate or budget funds to meet the terms and conditions cited herein, then the non-appropriating entity shall not be obligated to fulfill the its obligations under this Agreement.

**7.2 Entire Agreement.** This Agreement represents the entire and integrated agreement between the County and BSEACD and supersedes all prior negotiations, representations or arguments either written or oral. No official, representative, agent, or employee of Travis County, Texas has any authority to modify this Agreement, except pursuant to such express authority as may be granted by the Commissioners Court of

Travis County, Texas. The recitals set forth above and Attachment 1 are incorporated herein.

**7.3 Lawful Authority.** The execution and performance of this Agreement by the County and BSEACD have been duly authorized by all necessary laws, resolutions or corporate action, and this Agreement constitutes the valid and enforceable obligations of the County and BSEACD in accordance with its terms.

**7.4 Amendments.** No amendment, modification or alteration of the terms hereof shall be binding unless the same shall be in writing and dated subsequent to the date hereof and duly executed by the parties hereto.

**7.5 Independent Parties.** It is understood and agreed between the Parties that the County and BSEACD, in executing this Agreement, and in performing their respective obligations, are acting independently, and not in any form of partnership or joint venture.

**7.6 Construction.** The captions and headings contained in this Agreement are solely for convenient reference and will not be deemed to affect the meaning or interpretation of any provision or paragraph hereof. All references in this Agreement to any particular gender are for convenience only and will be construed and interpreted to be of the appropriate gender. For the purposes of this Agreement, the term "will" is mandatory. Should any provision in this Agreement be found or deemed to be invalid, this Agreement will be construed as not containing such provision, and all other provisions which are otherwise lawful will remain in full force and effect, and to this end the provisions of this Agreement are declared to be severable.

**7.7 Conflict with Applicable Law.** Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, ordinance or administrative executive or judicial regulation, order or decree, or amendment thereof, contrary to which the parties have not legal right to contract, the latter shall prevail, but in such event the affected provision or provisions of this Agreement shall be modified only to the extent necessary to bring them within the legal requirements and only during the time such conflict exists.

**7.8 No Waiver.** No waiver by a Party of any breach of any provision of this Agreement shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other provision hereof.

**7.9 Public Information Act.** BSEACD and County are governed by the Texas Public Information Act (the "Act"), Chapter 552 of the Texas Government Code. This Agreement and all written information generated under this Agreement may be subject to release under the Act.

**7.10 Additional Documents.** The BSEACD and the County covenant and agree that they will execute such other and further instruments and documents as are or may become necessary or convenient to effectuate and carry out the terms of this

Agreement.

**7.11 Compliance with Laws.** In performing this Agreement, BSEACD will comply with all local, state and federal laws.

**7.12 Counterparts.** This Agreement has been executed by the parties in multiple originals or counterparts each having full force and effect.

**ARTICLE 8  
LIABILITY**

8.1 To the extent allowed by Texas law, BSEACD and the County agree that each entity is responsible for its own proportionate share of any liability for its negligent acts or omissions.

**County of Travis:**

By: \_\_\_\_\_  
Sarah Eckhardt  
Travis County Judge

Date: \_\_\_\_\_

**Barton Springs Edwards Aquifer Conservation District:**

By: \_\_\_\_\_  
Blayne Stansberry  
Board President

Date: \_\_\_\_\_

**ATTEST:**

By: \_\_\_\_\_  
Blake Dorsett  
Board Secretary

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
William D. Dugat III  
Attorney for BSEACD

Date: \_\_\_\_\_

**EXHIBIT A**  
**Hill Country Trinity GAM Support Project**

The Barton Springs/Edwards Aquifer Conservation District (BSEACD) is planning studies of the Trinity Aquifers in Hays and Travis Counties to gain a better understanding of the aquifers for groundwater management and to support the development of an updated conceptual model that the Texas Water Development Board (TWDB) will use to revise the Hill Country Trinity Groundwater Availability Model (GAM). The key components of these studies will be:

- subsurface characterization with installation of two multiport monitor wells;
- dye tracing to determine flow paths from recharge features to wells and springs;
- stream-flow measurements;
- water-level measurements in wells;
- analysis of surface water and groundwater chemistry; and
- aquifer tests of representative wells.

Data collected from these studies will provide a better understanding of how water moves from the surface into the various Trinity Aquifers, how groundwater might move vertically between the aquifers, and vertical and horizontal distribution of water quality. A revised Hill Country Trinity GAM will make use of the collected data and the improved conceptual model that will come from these studies, and will be a critical tool for evaluating impacts to the aquifers, to wells, and to springs from increased pumping from the Trinity Aquifer.

Some of the partners with BSEACD in these studies will be Edwards Aquifer Authority (EAA), Hays Trinity Groundwater Conservation District, Hays County, Travis County, City of Austin, and several volunteers that have been working with BSEACD on previous studies of the Trinity Aquifers. TWDB has authorized spending \$355,000 on data collection and analysis to develop an updated conceptual model of the Hill Country Trinity Aquifers. This effort by TWDB will use existing data and data collected by this BSEACD project. The actual model development will come later as a separate phase.

Exhibit B

Travis County Monitor Well Project –Scope of Work and Project Tasks to be performed by BSEACD

Task Name	Data or Activity	2016												2017											
		Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec							
Multiport monitor well	Equipment purchase; initial well design; contractor selection																								
	Site preparation; drilling and installation																								
	Well testing and sampling																								
Report preparation	Travis County multiport monitor well interim and final report																								

## **Item 5**

### **Board Discussions and Possible Actions**

**c. 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.**

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 30, 2016

Mr. Robert P. Callegari, P.E., Principal  
CMA Engineering, Inc.  
235 Ledge Stone Drive  
Austin, Texas 78737

Re: City of Dripping Springs - Draft TPDES Permit No. WQ0014488003, EPA ID No. TX0136778  
(CN602491284; RN104005434)

Dear Mr. Callegari:

Thank you for your letter of August 2, 2016 providing comments on the subject draft permit. To reiterate my email of August 29, 2016, below, please find our responses to these comments in the same order as they appear in your letter:

### Comment No. 1

The Applicant requests a longer time frame for the expiration date.

### Response to Comment No. 1

The proposed expiration date of September 1, 2019 is exactly the Basin Permitting expiration date in 30 TAC §305.71(b). It also conforms with the requirement in 30 TAC §305.71(a) that no permit shall be issued for a term of less than two years and 30 TAC §305.127(1)(C)(i) that TPDES permits shall be for a term not to exceed five years. A draft permit's expiration date may be revisited to conform to these rules before issuance. Therefore, the draft permit's expiration date is retained.

### Comment No. 2

The Applicant proposes the following footnotes in the effluent pages 2, 2a and 2b: (1) Discharge limitations and monitoring requirements for ammonia-nitrogen and total phosphorus shall apply only when discharging to waters in the state. (2) The daily average for total phosphorus is calculated as a median value. For months when discharge occurs on two or less days, the discharge limitation is 0.3 mg/l for total phosphorus.

### Response to Comment No. 2

The proposed footnotes are incorporated as requested; however, the monitoring frequency for total phosphorus is changed to daily. A clarification on the daily average effluent limit is provided.



Mr. Robert P. Callegari, P.E., Principal  
Page 2  
August 30, 2016

Comment No. 3

The Applicant requests a revision of the second sentence in Other Requirements No. 7 to read: If requested by the TCEQ Wastewater Permitting Section, the permittee shall submit plans, specifications, and final engineering report which comply with 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems.

Response to Comment No. 3

This request was discussed with our plans and specifications group. The proposed treatment process is a nutrient removal process. For this reason, a plans and specifications review will be required.

Comment No. 4

The Applicant requests a revision of the first sentence in Other Requirements No. 9 to read: Within 90 days of startup of the facility, the permittee shall provide an effluent analysis for nitrate-nitrogen while the WWTP is treating effluent to the quality permitted to discharge to waters in the state.

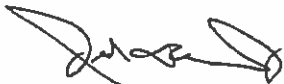
Response to Comment No. 4

This was incorporated in the draft permit with minor editing. Reference to Outfall 001 is retained to be consistent with the monitoring location requirement in the effluent pages 2, 2a and 2b.

Attached is the revised fact sheet and draft permit for your review. If acceptable, please provide a written acceptance of the draft permit by August 31, 2016.

If you should have any other questions, please do not hesitate to call me at (512) 239-4608 or if by correspondence, include MC 148 in the letterhead address following my name.

Sincerely,



Julian D. Centeno, Jr., P.E., Permit Coordinator  
Municipal Permits Team  
Wastewater Permitting Section (MC 148)  
Water Quality Division  
Texas Commission on Environmental Quality

JC/sh

Enclosure.

cc: Ms. Ginger Faight, City Administrator, City of Dripping Springs, P.O. Box 384, Dripping Springs, Texas 78620

**STATEMENT OF BASIS/TECHNICAL SUMMARY  
AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**

**DESCRIPTION OF APPLICATION**

Applicant: City of Dripping Springs;  
Texas Pollutant Discharge Elimination System (TPDES) Permit No.  
WQ0014488003, EPA I.D. No. TX0136778

Regulated Activity: Domestic Wastewater Permit

Type of Application: New Permit

Request: New Permit

Authority: Federal Clean Water Act (CWA) § 402; Texas Water Code § 26.027; 30  
Texas Administrative Code (TAC) Chapters 30, 305, 307, 309, 312, and  
319; Commission policies; and United States Environmental Protection  
Agency (EPA) guidelines.

A rectangular stamp with the word "DRAFT" in a bold, sans-serif font. To the left of the text is a small icon of a document with a folded corner.

**EXECUTIVE DIRECTOR RECOMMENDATION**

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The draft permit includes an expiration date of **September 1, 2019** according to 30 TAC § 305.71, Basin Permitting.

**REASON FOR PROJECT PROPOSED**

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 0.399 million gallons per day (MGD) in the Interim I phase, a daily average flow not to exceed 0.4975 MGD in the Interim II phase, and a daily average flow not to exceed 0.995 MGD in the Final phase. The proposed wastewater treatment facility will serve the Greater Dripping Springs area.

**PROJECT DESCRIPTION AND LOCATION**

The City of Dripping Springs South Regional Wastewater Treatment Facility will be a Bardenpho activated sludge process plant with conventional clarification and tertiary filtration in all phases. Treatment units in the Interim I and II phases will include bar screen, two anoxic basins and two aerobic basins, a final clarifier, three sludge holding tanks, effluent filters, a chlorine contact chamber and an effluent storage tank. Treatment units in the Final phase will include flow splitting and two identical four-stage Bardenpho activated sludge systems with conventional clarification and tertiary filtration followed by chlorination and effluent storage. The process will incorporate external carbon source addition and chemical (alum) addition for phosphorus removal. The facility has not been constructed.

The draft permit authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, or wastewater treatment facility.

The plant site will be located at 23127 Ranch Road 150, in the City of Dripping Springs, Hays County, Texas 78620.

The treated effluent will be discharged to Walnut Springs; thence to Onion Creek in Segment No. 1427 of the Colorado River Basin. The unclassified receiving water use is minimal aquatic life use for Walnut

Springs. The designated uses for Segment No. 1427 are high aquatic life use, public water supply, aquifer protection, and primary contact recreation. The effluent limitations in the draft permit will maintain and protect the existing instream uses. In accordance with 30 TAC § 307.5 and the TCEQ Procedures to Implement the Texas Surface Water Quality Standards, an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Onion Creek, which has been identified as having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received.

Effluent limitations for the conventional effluent parameters (i.e., Biochemical Oxygen Demand or Carbonaceous Biochemical Oxygen Demand, Ammonia Nitrogen, etc.) are based on stream standards and waste load allocations for water quality limited streams as established in the Texas Surface Water Quality Standards (TSWQS) and the State of Texas Water Quality Management Plan (WQMP).

In a case such as this, end-of-pipe compliance with pH limits from 6.0 to 9.0 standard units reasonably assures instream compliance with TSWQS for pH due to the relatively small discharge volume authorized and the often corresponding minimal or limited aquatic life uses within unclassified waterbodies. This conservative assumption is based on TCEQ sampling conducted throughout the state that indicates that instream buffering quickly restores pH levels to ambient conditions.

The effluent limitations in the draft permit have been reviewed for consistency with the WQMP. The proposed effluent limitations are not contained in the approved WQMP. However, these limits will be included in the next WQMP update.

A priority watershed of critical concern has been identified in Segment No. 1427 in Hays County. Therefore, Barton Springs Salamander (*Eurycea sorsorum*), an endangered aquatic species, has been determined to occur in the watershed of Segment No. 1427. To make this determination for TPDES permits, TCEQ and EPA only considered species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The presence of the Barton Springs Salamander, an endangered species, requires EPA review and, if appropriate, consultation with USFWS.

Segment No. 1427 is currently listed on the state's inventory of impaired and threatened waters (the 2014 Clean Water Act Section 303(d) list). The listing is specifically for sulfate from Farm-to-Market Road 967 upstream to the upper end of the segment (the most upstream crossing of Farm-to-Market Road 165 in Blanco County; AUs 1427\_03 and 1427\_04). Screening of the effluent from the existing facility, permitted under TCEQ Permit No. WQ0014488001, which is of lower quality than the proposed effluent quality in the draft permit, shows that no effluent limit or monitoring requirement for sulfate is necessary.

#### SUMMARY OF EFFLUENT DATA

Self-reporting data is not available since the facility is not yet built.

#### DRAFT PERMIT CONDITIONS

The draft permit authorizes a discharge of treated domestic wastewater at an Interim I phase volume not to exceed a daily average flow of 0.399 MGD, an Interim II phase volume not to exceed a daily average flow of 0.4975 MGD, and a Final phase volume not to exceed a daily average flow of 0.995

MGD.

The effluent limitations in the Interim I phase of the draft permit, based on a 30-day average, are 5 mg/l five-day carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>), 5 mg/l total suspended solids (TSS), 1.9 mg/l ammonia-nitrogen (NH<sub>3</sub>-N), 0.15 mg/l Total Phosphorus, 126 colony forming units (CFU) or most probable number (MPN) of *E. coli* per 100 ml, and 6.0 mg/l minimum dissolved oxygen (DO). The effluent limitations in the Interim II phase of the draft permit, based on a 30-day average, are 5 mg/l CBOD<sub>5</sub>, 5 mg/l TSS, 1.7 mg/l NH<sub>3</sub>-N, 0.15 mg/l Total Phosphorus, 126 CFU or MPN of *E. coli* per 100 ml, and 6.0 mg/l DO. The effluent limitations in the Final phase of the draft permit, based on a 30-day average, are 5 mg/l CBOD<sub>5</sub>, 5 mg/l TSS, 1.2 mg/l NH<sub>3</sub>-N, 0.15 mg/l Total Phosphorus, 126 CFU or MPN of *E. coli* per 100 ml and 6.0 mg/l minimum DO. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes based on peak flow.

The permittee shall comply with the requirements of 30 TAC § 309.13(a) through (d). In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC § 309.13(e).

The facility does not appear to receive significant industrial wastewater contributions. Permit requirements for pretreatment are based on TPDES regulations contained in 30 TAC Chapter 315 which references 40 Code of Federal Regulations (CFR) Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution" [*rev. Federal Register/ Vol. 70/ No. 198/ Friday, October 14, 2005/ Rules and Regulations, pages 60134-60798*]. The permit includes specific requirements that establish responsibilities of local government, industry, and the public to implement the standards to control pollutants which pass through or interfere with treatment processes in publicly owned treatment works or which may contaminate the sewage sludge. This permit has appropriate pretreatment language for a facility of this size and complexity.

The draft permit includes Sludge Provisions according to the requirements of 30 TAC Chapter 312, Sludge Use, Disposal, and Transportation. The draft permit authorizes the disposal of sludge at a TCEQ-authorized land application site, co-disposal landfill, or wastewater treatment facility.

#### SUMMARY OF CHANGES FROM APPLICATION

The applicant requested effluent limitations, based on a 30-day average, of 5 mg/l BOD<sub>5</sub>, 5 mg/l TSS, 2 mg/l NH<sub>3</sub>-N, 0.5 mg/l Total Phosphorus, and 5.0 mg/l minimum DO in all phases. However, effluent limitations in the Interim I phase of the draft permit, based on a 30-day average, are 5 mg/l CBOD<sub>5</sub>, 5 mg/l TSS, 1.9 mg/l NH<sub>3</sub>-N, 0.15 mg/l Total Phosphorus, 126 CFU or MPN of *E. coli* per 100 ml and 6.0 mg/l minimum DO. The effluent limitations in the Interim II phase of the draft permit, based on a 30-day average, are 5 mg/l CBOD<sub>5</sub>, 5 mg/l TSS, 1.7 mg/l NH<sub>3</sub>-N, 0.15 mg/l Total Phosphorus, 126 CFU or MPN of *E. coli* per 100 ml and 6.0 mg/l minimum DO. The effluent limitations in the Final phase of the draft permit, based on a 30-day average, are 5 mg/l CBOD<sub>5</sub>, 5 mg/l TSS, 1.2 mg/l NH<sub>3</sub>-N, 0.15 mg/l Total Phosphorus, 126 CFU or MPN of *E. coli* per 100 ml and 6.0 mg/l minimum DO. These effluent limits comply with the requirements in 30 TAC Chapter 311: Watershed Protection; Subchapter E: Colorado River Watershed, and with the requirements of the Edwards Aquifer Rules (30 TAC Chapter 213, Subchapter A).

#### SUMMARY OF CHANGES FROM EXISTING PERMIT

N/A. This is a new permit.

BASIS FOR DRAFT PERMIT

The following items were considered in developing the draft permit:

1. Application received on October 20, 2015, and additional information received on November 30, 2015, December 14, 2015, July 14, 2016, and August 5, 2016.
2. The effluent limitations and conditions in the draft permit comply with the TSWQS, 30 TAC §§ 307.1 - 307.10, effective July 22, 2010, and the EPA approved portions of the 2014 Texas Surface Water Quality Standards, effective March 6, 2014. The effluent limitations and conditions in the draft permit comply with the requirements in 30 TAC Chapter 311: Watershed Protection; Subchapter E: Colorado River Watershed, and with the requirements of the Edwards Aquifer Rules (30 TAC Chapter 213, Subchapter A).
4. The effluent limitations in the draft permit meet the requirements for secondary treatment and the requirements for disinfection according to 30 TAC Chapter 309, Subchapter A: Effluent Limitations.
5. Interoffice memoranda from the Water Quality Assessment Section of the TCEQ Water Quality Division. Interoffice memorandum from the Stormwater & Pretreatment Team of the TCEQ Water Quality Division.
6. Consistency with the Coastal Management Plan: The facility is not located in the Coastal Management Program boundary.
7. *Procedures to Implement the Texas Surface Water Quality Standards (IP)*, Texas Commission on Environmental Quality, June 2010, as approved by EPA and the IP, January 2003, for portions of the 2010 IP not approved by EPA.
8. Texas 2014 Clean Water Act Section 303(d) List, Texas Commission on Environmental Quality, June 3, 2015; approved by the EPA on November 19, 2015.
9. Texas Natural Resource Conservation Commission Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits, Document No. 98-001.000-OWR-WQ, May 1998.

PROCEDURES FOR FINAL DECISION

When an application is declared administratively complete, the Chief Clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the Chief Clerk instructs the applicant to place a copy of the application in a public place for review and copying in the county where the facility is or will be located. This application will be in a public place throughout the comment period. The Chief Clerk also mails this notice to any interested persons and, if required, to landowners identified in the permit application. This notice informs the public about the application and provides that an interested person may file comments on the application or request a contested case hearing or a public meeting.

Once a draft permit is completed, it is sent, along with the Executive Director's preliminary decision, as contained in the technical summary or fact sheet, to the Chief Clerk. At that time, the Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application.

Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment and is not a contested case proceeding.

After the public comment deadline, the Executive Director prepares a response to all significant public comments on the application or the draft permit raised during the public comment period. The Chief Clerk then mails the Executive Director's response to comments and final decision to people who have filed comments, requested a contested case hearing, or requested to be on the mailing list. This notice provides that if a person is not satisfied with the Executive Director's response and decision, they can request a contested case hearing or file a request to reconsider the Executive Director's decision within 30 days after the notice is mailed.

The Executive Director will issue the permit unless a written hearing request or request for reconsideration is filed within 30 days after the Executive Director's response to comments and final decision is mailed. If a hearing request or request for reconsideration is filed, the Executive Director will not issue the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If the Executive Director calls a public meeting or the Commission grants a contested case hearing as described above, the Commission will give notice of the date, time, and place of the meeting or hearing. If a hearing request or request for reconsideration is made, the Commission will consider all public comments in making its decision and shall either adopt the Executive Director's response to public comments or prepare its own response.

For additional information about this application, contact Julian D. Centeno, Jr. at (512) 239-4608.

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Julian D. Centeno, Jr., P.E.  
Municipal Permits Team  
Wastewater Permitting Section (MC 148)

7/25/2016 (revised  
8/26/2016)  
Date



TPDES PERMIT NO. WQ0014488003  
[For TCEQ office use only - EPA I.D.  
No. TX0136778]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
P.O. Box 13087  
Austin, Texas 78711-3087

PERMIT TO DISCHARGE WASTES  
under provisions of  
Section 402 of the Clean Water Act  
and Chapter 26 of the Texas Water Code

 **DRAFT**

City of Dripping Springs

whose mailing address is

P.O. Box 384  
Dripping Springs, Texas 78620

is authorized to treat and discharge wastes from the City of Dripping Springs South Regional Wastewater Treatment Facility, SIC Code 4952

located at 23127 Ranch Road 150, in the City of Dripping Springs, Hays County, Texas 78620  
to Walnut Springs; thence to Onion Creek in Segment No. 1427 of the Colorado River Basin

only according to effluent limitations, monitoring requirements and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, **September 1, 2019**.

ISSUED DATE:

\_\_\_\_\_  
For the Commission

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the date of issuance and lasting through the completion of the expansion to the 0.4975 million gallons per day (MGD) facility, the permittee is authorized to discharge subject to the following effluent limitations:  
 The daily average flow of effluent shall not exceed 0.399 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 1,111 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Min. Self-Monitoring Requirements</u>	
	Daily Avg. mg/l (lbs/day)	7-day Avg. mg/l	Daily Max. mg/l	Report Daily Avg. & Max. Measurement Frequency	Single Grab Sample Type
Flow, MGD	Report	N/A	Report	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	5 (17)	10	20	One/week	Grab
Total Suspended Solids	5 (17)	10	20	One/week	Grab
Ammonia Nitrogen*	1.9 (6.3)	5	10	One/week	Grab
Total Phosphorus*	0.15(**)(***) (0.5)	0.3	0.6	Daily	Grab
<i>E. coli</i> , colony forming units or most probable number per 100 ml	126	N/A	N/A	One/month	Grab

- \* Discharge limitations and monitoring requirements apply only when discharging to water in the state.
  - \*\* The daily average is calculated as a median value. For months when discharge occurs on two or less days, the discharge limitation is 0.3 mg/l.
  - \*\*\* The daily average of 0.15 mg/l is based on a long-term average of 0.10 mg/l.
2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
  3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.
  4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
  5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
  6. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored once per week by grab sample.



INTERIM II EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the completion of expansion to the 0.4975 million gallons per day (MGD) facility and lasting through the completion of the expansion to the 0.995 MGD facility, the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.4975 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 1,382 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations			Min. Self-Monitoring Requirements	
	Daily Avg. mg/l (lbs/day) Report	7-day Avg. mg/l N/A	Daily Max. mg/l Report	Report Daily Avg. & Max. Measurement Frequency	Single Grab & Max. Sample Type Totalizing Meter Grab
Flow, MGD	5 (21)	N/A	20	Continuous	
Carbonaceous Biochemical Oxygen Demand (5-day)	5 (21)	10	20	One/week	Grab
Total Suspended Solids	1.7 (7.1)	10	20	One/week	Grab
Ammonia Nitrogen*	0.15(**)(***) (0.62)	5	10	One/week	Grab
Total Phosphorus*	126	0.3	0.6	Daily	Grab
<i>E. coli</i> , colony forming units or most probable number per 100 ml		N/A	N/A	One/month	Grab

\* Discharge limitations and monitoring requirements apply only when discharging to water in the state.  
 \*\* The daily average is calculated as a median value. For months when discharge occurs on two or less days, the discharge limitation is 0.3 mg/l.  
 \*\*\* The daily average of 0.15 mg/l is based on a long-term average of 0.10 mg/l.

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored once per week by grab sample.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the completion of the expansion to the 0.995 million gallons per day (MGD) facility and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.995 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 2,764 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Min. Self-Monitoring Requirements</u>	
	Daily Avg. mg/l (lbs/day)	7-day Avg. mg/l	Daily Max. mg/l	Report Daily Avg. & Daily Max. Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	5 (42)	10	20	One/week	Composite
Total Suspended Solids	5 (42)	10	20	One/week	Composite
Ammonia Nitrogen*	1.2 (10)	3	10	One/week	Composite
Total Phosphorus*	0.15(**)(***) (1.2)	0.3	0.6	Daily	Composite
<i>E. coli</i> , colony forming units or most probable number per 100 ml	126	N/A	399	Two/month	Grab

\* Discharge limitations and monitoring requirements apply only when discharging to water in the state.  
 \*\* The daily average is calculated as a median value. For months when discharge occurs on two or less days, the discharge limitation is 0.3 mg/l.  
 \*\*\* The daily average of 0.15 mg/l is based on a long-term average of 0.10 mg/l.

- The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored daily by grab sample at each chlorine contact chamber. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
- The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored twice per month by grab sample.
- There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
- Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
- The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored once per week by grab sample.

**OTHER REQUIREMENTS**

1. The permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

This Category C facility must be operated by a chief operator or an operator holding a Category C license or higher. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week. Where shift operation of the wastewater treatment facility is necessary, each shift that does not have the on-site supervision of the licensed chief operator must be supervised by an operator in charge who is licensed not less than one level below the category for the facility.

2. The facility is not located in the Coastal Management Program boundary.
3. The permittee is hereby placed on notice that this permit may be reviewed by the TCEQ after the completion of any new intensive water quality survey on Segment No. 1427 of the Colorado River Basin and any subsequent updating of the water quality model for Segment No. 1427 to determine if the limitations and conditions contained herein are consistent with any such revised model. The permit may be amended, pursuant to 30 TAC § 305.62, as a result of such review. The permittee is also hereby placed on notice that effluent limits may be made more stringent at renewal based on, for example, any change to modeling protocol approved in the TCEQ Continuing Planning Process.
4. The permittee shall comply with the requirements of 30 TAC § 309.13(a) through (d). In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC § 309.13(e).
5. The permittee shall provide facilities for the protection of its wastewater treatment facility from a 100-year flood.
6. In accordance with 30 TAC § 319.9, a permittee that has at least twelve months of uninterrupted compliance with its bacteria limit may notify the commission in writing of its compliance and request a less frequent measurement schedule. To request a less frequent schedule, the permittee shall submit a written request to the TCEQ Wastewater Permitting Section (MC 148) for each phase that includes a different monitoring frequency. The request must contain all of the reported bacteria values (Daily Avg. and Daily Max/Single Grab) for the twelve consecutive months immediately prior to the request. If the Executive Director finds that a less frequent measurement schedule is protective of human health and the environment, the permittee may be given a less frequent measurement schedule. For this permit, 1/month may be reduced to 1/quarter in the Interim I and II phases and 2/month may be reduced to 1/month in the Final phase. **A violation of any bacteria limit by a facility that has been granted a less frequent measurement schedule will require the permittee to return to the standard frequency schedule and submit written notice to the TCEQ Wastewater Permitting Section (MC 148).** The permittee may not apply for another reduction in measurement frequency for at least 24 months from the date of the last violation. The Executive Director may establish a more frequent measurement schedule if necessary to protect human health or the environment.
7. Prior to construction of the Interim I, II and Final phase treatment facility, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter in accordance with the requirements in 30 TAC § 217.6(d). The permittee shall submit plans and specifications and a final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for

Domestic Wastewater Systems. The permittee shall clearly show how the treatment system will meet the permitted effluent limitations required on Pages 2, 2a and 2b of this permit. A copy of the summary transmittal letter shall be available at the plant site for inspection by authorized representatives of the TCEQ.

8. Monitoring and reporting requirements according to 30 TAC §§ 319.1-319.11 and any additional effluent reporting requirements contained in this permit are suspended from the effective date of the permit until plant startup or discharge from the facility described by this permit, whichever occurs first. The permittee shall provide written notice to the TCEQ Regional Office (MC Region 11) and the Applications Review and Processing Team (MC 148) of the Water Quality Division at least forty-five (45) days prior to plant startup or anticipated discharge, whichever occurs first and prior to completion of each additional phase on Notification of Completion Form 20007.
9. Within 90 days from the start-up of the facility, the permittee shall provide an effluent analysis for nitrate-nitrogen at Outfall 001 while the facility is treating effluent to the quality permitted to discharge to water in the state. The result of this analysis and the laboratory report shall be submitted to the Municipal Permits Team, Wastewater Permitting Section (MC 148), TCEQ Water Quality Division for pollutant screening. Based on the technical review of the submitted analytical result, an amendment may be initiated by TCEQ staff to include additional effluent limitations and/or monitoring requirements for nitrate-nitrogen. Test method utilized shall be according to the test procedure specified in the Definitions and Standard Permit Conditions section of this permit and sensitive enough to detect the indicated parameter to the minimum analytical level of 100 µg/L.
10. Within 30 days after operating the new facility under this permit, the permittee shall apply for the cancellation of TCEQ Permit No. WQ0014488001, City of Dripping Springs.

**CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS**

1. The following pollutants may not be introduced into the treatment facility:
  - a. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, waste streams with a closed cup flash point of less than 140° Fahrenheit (60° Celsius) using the test methods specified in 40 CFR § 261.21;
  - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case shall there be discharges with a pH lower than 5.0 standard units unless the works are specifically designed to accommodate such discharges;
  - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, resulting in Interference;
  - d. Any pollutant, including oxygen-demanding pollutants (e.g., biological oxygen demand), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
  - e. Heat in amounts which will inhibit biological activity in the POTW, resulting in Interference, but in no case shall there be heat in such quantities that the temperature at the POTW treatment plant exceeds 104° Fahrenheit (40° Celsius) unless the Executive Director, upon request of the POTW, approves alternate temperature limits;
  - f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
  - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and
  - h. Any trucked or hauled pollutants except at discharge points designated by the POTW.
2. The permittee shall require any indirect discharger to the treatment works to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Clean Water Act, including any requirements established under 40 CFR Part 403 [*rev. Federal Register/ Vol. 70/ No. 198/ Friday, October 14, 2005/ Rules and Regulations, pages 60134-60798*].
3. The permittee shall provide adequate notification to the Executive Director, care of the Wastewater Permitting Section (MC 148) of the Water Quality Division, within 30 days subsequent to the permittee's knowledge of either of the following:
  - a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 and 306 of the Clean Water Act if it were directly discharging those pollutants; and
  - b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.

Any notice shall include information on the quality and quantity of effluent to be introduced into the treatment works and any anticipated impact of the change on the quality or quantity of effluent to be discharged from the POTW.

Revised July 2007

## Comparison of Permit Restrictions on Direct Discharges in Edwards/Trinity Contributing Zone

### For BS/EACD Board Discussion Purposes

	Belterra Draft TPDES Permit (before settlement)	Belterra Final TPDES Permit (with settlement terms)	Dripping Springs Pre-Draft TPDES Permit	Notes/Comments on D/S Pre-Draft Permit
<b>1. TPDES Permittee</b>	Hays County WCID No. 1	Hays County WCID No. 1	City of Dripping Springs	
<b>2. Permit Term/Renewal</b>	Standard 3-year term; upon notice/application, auto renewal if no changes/non-compliance	Standard 3-year term; upon notice/application, auto renewal if no changes/non-compliance	Term now ends 9/1/2019, which is close to start of new WWTP operation; auto renewal if no changes/non-compliance	D/S requesting delayed start of permit term
<b>3. Receiving Stream</b>	Bear Creek main stem, immediately below Belterra development	Bear Creek main stem, immediately below Belterra development; no direct discharge known to have yet occurred	Walnut Springs Creek, thence to Onion Creek main stem	About one-half mile of wastewater flow in Walnut Springs Creek, nearly all within Caliterra development
<b>4. Outfall Location</b>	Recharge zone of Upper Trinity and possibly Middle Trinity; contributing zone of Edwards, 8 miles upstream of its recharge zone	Recharge zone of Upper Trinity and possibly Middle Trinity; contributing zone of Edwards, 8 miles upstream of its recharge zone	Recharge zone of Middle and Upper Trinity; contributing zone of Edwards, about 19 miles upstream of its recharge zone	Direct Onion Creek recharge to Middle Trinity indicated, quantity and conditions for recharge not yet confirmed
<b>5. Discharged Effluent Volume, Final Daily Average Flow</b>	Up to 500,000 gpd	350,000 gpd permitted for direct discharge	995,000 gpd	Timing issue: Initial permit phase for 399,000 gpd will be before new plant unit is complete to achieve the direct-

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	Belterra Draft TPDES Permit (before settlement)	Belterra Final TPDES Permit (with settlement terms)	Dripping Springs Pre-Draft TPDES Permit	Notes/Comments on D/S Pre-Draft Permit
<b>6. Effluent Limitations<sup>1</sup></b>	Initially, 5-5-2-1, no Total N limit. TCEQ later changed TP to 0.15 mg/L	5-5-2-0.15, with Total N of 6 mg/L. Total P of 0.15 mg/L (rather than 0.15 mg/L) when discharge 2 or fewer days/month. Nominally this would comply with Anti-degradation Policy, per SOAH finding	5-5-1.2-0.15, without Total N limit; no Sulfate limit. TCEQ says this complies with their Anti-degradation Policy	discharge effluent limits and therefore will require modification of existing TLAP. Second phase of 497,500 gpd will use new unit that will nominally be able to achieve limits  TCEQ says possibly elevated sulfate source in influent is not problematic; D/S originally requested a 5-2-0.5 and 5 mg/L DO. D/S requesting a conditional 0.3 mg/L Total P similar to Belterra.
<b>7. Treatment Technology</b>	Membrane Bioreactor	Membrane Bioreactor with Denitrification; specifies UV for disinfection unless better available; all wastewater to be	Four-stage Bardenpho, with external carbon and alum addition; uses less ecologically sound Chlorine for disinfection	D/S treatment train based on its requested limits, not as proposed. Bardenpho cannot achieve 0.15 mg/L P reliably

<sup>1</sup> For Carbonaceous Biochemical Oxygen Demand (5-day) ~ Total Suspended Solids ~ Ammonia-Nitrogen ~ Total Phosphorus, respectively, in mg/L on a 30-day average basis. All have same Coliform and DO limits. For D/S permit, only final-phase limits are shown; interim-phase limits for N are somewhat higher.

## Comparison of Permit Restrictions on Direct Discharges in Edwards/Trinity Contributing Zone

### For BS/EACD Board Discussion Purposes

	Belterra Draft TPDES Permit (before settlement)	Belterra Final TPDES Permit (with settlement terms) treated with MBR and denitrification regardless of intent to direct-discharge it	Dripping Springs Pre-Draft TPDES Permit	Notes/Comments on D/S Pre-Draft Permit
<b>8. WWTP Operator Licensing</b>	Class C	Class A	Class C	Bardenpho with various proposed chemical additions needs both a SCADA and a Class A operator
<b>9. Storage Requirement</b>	Yes; on-site impoundment for hydraulic equalization	Yes; on-site 5.25MG (15 days) lined pond or tank plus additional 1.75 MG (5 days) if remedial action triggered by monitoring	None	
<b>10. Restrictions/Conditions for Discharge</b>	None	No direct discharge unless 1) stream flow is > 14 cfs, 2) storage pond is full, or 3) spray fields are frozen/saturated	None	
<b>11. Associated TLAP/Ch. 210 Authorization</b>	Abandoning drip irrigation under TLAP even though it reduces volume subject to direct discharge; discretionary 210 reuse for spray irrigation within Belterra	Continuing 150,000 gpd of drip irrigation under TLAP reduces volume subject to direct discharge; mandatory 210 reuse for spray irrigation within Belterra.	210 reuse not required. Will abandon modified TLAP for on-site irrigation within 30 days of new plant startup	Discretionary 210 reuse planned for irrigating municipal parklands and other properties, including Caliterra, No details yet available



## Comparison of Permit Restrictions on Direct Discharges in Edwards/Trinity Contributing Zone

### For BS/EACD Board Discussion Purposes

	Belterra Draft TPDES Permit (before settlement)	Belterra Final TPDES Permit (with settlement terms)	Dripping Springs Pre-Draft TPDES Permit	Notes/Comments on D/S Pre-Draft Permit
<b>12. Externally Generated Wastewater Included?</b>	Yes, on a limited basis	Mandatory installation of soil moisture monitors near creek buffer zones.  Prohibited	Yes	More than half of D/S wastewater will come from outside City – designed to be regional WWTP
<b>13. TPDES Permit Reporting Requirements</b>	Monthly self-reporting, now via online system at TCEQ, of Average Daily and Max Grab results of all sampling;	Monthly self-reporting, now via online system at TCEQ, of Average Daily and Max Grab results of all sampling; Permit holder must share all monitoring reports with parties to settlement	Monthly self-reporting, now via online system at TCEQ, of Average Daily and Max Grab results of all sampling; Before startup, City must submit final engineering reports, plans, and specs to clearly show how treatment process will be able to meet applicable effluent limits	D/S wants to provide engineering reports only if/as requested by TCEQ, rather than as a mandatory permit provision/requirement
<b>14. Mandated Monitoring Studies and Responses to Outcomes<sup>2</sup></b>	None.	Ongoing instream WQ monitoring, to be paid by Permit holder for first 18 months following first discharge and by other	None volunteered by D/S. TCEQ requiring effluent analysis of Nitrate-N within 90 days of startup, to assess	D/S requesting that effluent sampling and analysis for Nitrate be done only when the plant is treating effluent

<sup>2</sup> In addition to standard required effluent monitoring and reporting

## Comparison of Permit Restrictions on Direct Discharges in Edwards/Trinity Contributing Zone

### For BS/EACD Board Discussion Purposes

	Belterra Draft TPDES Permit (before settlement)	Belterra Final TPDES Permit (with settlement terms)	Dripping Springs Pre-Draft TPDES Permit	Notes/Comments on D/S Pre-Draft Permit
<b>15. Supporting Water Quality Modeling Studies</b>		parties thereafter, and statistical analysis that triggers specific defined remedial actions <sup>3</sup> by the Permit holder if agreed protections are not achieved	need for Nitrate-N effluent limits/monitoring	at quality required for direct discharge. D/S requesting that N and P effluent monitoring only be required during direct discharge
	Preliminary generic QUAL-TX modeling of DO under steady state conditions without nutrient cycling	Extensive DO and ecological modeling provided by multiple parties before and after permitting/settlement	None known in support of permit application. COA's dynamic WASP modeling demonstrates change in trophic status in Onion Creek and elevated Nitrate at Edwards recharge zone boundary	D/S appears to assume that asserting they will meet effluent limits is all that is required

<sup>3</sup> Remedial action is to 1) construct an additional 1.75 MG (5 days) storage or 2) reduce effluent by equivalent amount.

**Item 6**

**Adjournment**