

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
April 23, 2015**

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

1. Call to Order.

Ms. Stone called the meeting to order at 6:00 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments).

There were no 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 an item of Regular Business.

1. **Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**

2. **Approval of minutes of the Board's March 26, 2015 Regular Meeting.**

Mr. Smith moved approval of consent agenda items 1 and 2.

Dr. Larsen seconded the motion and it passed with a vote of 5 to 0.

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

1. Standing Topics.

- i. Personnel matters and utilization
- ii. Upcoming public events of possible interest

iii. Aquifer conditions and status of drought indicators

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

- i. **Update on Team activities and highlights**
- ii. **Update on regulatory and enforcement activities**
- iii. **Update on current Aquifer Science Team projects**
- iv. **Updates on activity related to the ongoing rule review**
- v. **Update on efforts to assess saline Edwards desalination/ASR feasibility**
- vi. **Update on activities related to area roadway projects**

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

4. Presentations

Selection of the recipients of the Kent S. Butler Memorial Groundwater Stewardship College Scholarship, and the Aquatic Science Adventure Camp scholarships.

Ms. Gary explained that the top two entries for the scholarship award were too close to call, and asked the Board to make the final judgment.

After discussion, Ms. Stansberry moved to declare Applicant #2 as the winner of the 2015 Kent S. Butler Memorial Groundwater College Scholarship.

Dr. Larsen seconded the motion and it passed unanimously with a vote of 5 to 0.

Ms. Gary then explained that the District had received enough conservation credit donations from Permittees to send all of the applicant's to camp. At that time members of the audience picked names from a hat to determine who would go to the 2-day and 5-day camps.

All of the winners will be invited to attend the second meeting in May to receive their certificates and have pictures taken.

Ms. Stone suggested inviting the Permittees that donated their conservation credits.

5a. Discussion and possible action related to a minor amendment application submitted by Industrial Asphalt to amend the permit to produce from well # 5857211 in the Middle Trinity Aquifer.

Ms. Bell-Enders reported that in February Industrial Asphalt submitted a minor amendment to amend the permit to switch wells. Back in 2013 Industrial Asphalt was granted a permit

for 2 million gallons per year to use for dust suppression. She said that KDBJ, the previous owners had drilled a production well and an observation well on the site. Industrial Asphalt proposed to produce from the observation well because of the better water quality from the Middle Trinity. The Board permitted the observation well in 2013. In 2014 a pump installer went to install a pump in the observation well and realized that there was something blocking the well casing. District staff volunteered to take our camera and video log and found an obstruction in the casing, as well as a stuck transducer cable. The well has a 4" casing and any impediment could cause issues with installing a pump. Staff also put the camera in the production well, and found it to be in good condition and 8 inches in diameter. The only issue is that the production well has poorer water quality and sulfates are high. She went on to say that Alan Andrews went to a conference at LCRA and learned that Onion Creek in this area has a draft impairment listing for sulfates. Due to this new information and the potential for stormwater discharge, special provisions were added to the permit.

Ms. Bell-Enders stated the following:

1. Staff recommends approval of the above-referenced minor amendment to switch production to well # 5857211 in the Middle Trinity Aquifer. Staff also recommends approval with the following special provisions:

- Should the groundwater produced be of such quality that it would have the potential to impact TCEQ/EPA Impaired Water Bodies (303d list) the permittee will identify the pollutant and/or constituent of concern to TCEQ. If required by TCEQ, any discharges into adjacent water of the state shall be authorized in accordance with all applicable rules and statues including but not limited to the SWP3 and TPDES permit.
- Should the groundwater produced be of such quality that would 1) constitute waste as defined in District Rules 3-3 or 2) have the potential to degrade groundwater water quality or contribute to a violation in water quality standards, upon periodic review of the production permit special provisions may be incorporated into permit conditions that will address water quality management measures needed to prevent or mitigate for water quality degradation.

2. If the minor amendment with special conditions is approved, staff further recommends that the TCEQ is contacted and informed of the minor amendment and the conditions of the amendment.

Dr. Larsen asked if the area that they will be conducting dust suppression is close to the dry tributary of Onion Creek.

Lynn Lindsey of Westward Environmental stated that the client will be applying water that is high in sulfates close to the tributary so there is a potential for that to happen, but there are berms and vegetative swells to help keep water from running into the creek. He said that there may be some reduction through natural processes, but they are anticipating that water quality will improve as they pump.

Ms. Stone asked how they would keep the water in the berms from going into the creek.

Mr. Lindsey replied that during a heavy rain event, there is a possibility that some of the water could leave the property. The water will not be the only water used for dust suppression, but will be blended with Edwards and possibly LCRA water.

Ms. Stone asked where they were getting that water.

Mr. Charles Romero of Industrial Asphalt stated that the water will come from a fire hydrant in Buda.

Ms. Stone asked if they were still trucking in water, and if they will stop if the amendment is granted.

Mr. Romero stated that their permit states that they will blend water, so they will continue to truck in water.

Ms. Stone asked how much they are bringing into the site by truck.

Mr. Romero replied that they are bringing in over 5 million gallons right now.

Ms. Stone asked about the potential for asking for more than the 2 million gallons.

Ms. Bell-Enders answered that there is always the potential to come back in and amend the permit to increase the volume. She said that if that happens we would have to take a step back and see where the impairment is, and if we need to add anything additional, such as sampling for sulfates.

Ms. Stone commented that as a Board it is their responsibility for the health of the aquifer, and TCEQ has their requirements. She said that according to TCEQ's records there have been five violations in 2014, with one regarding to storm water. She said the Board would like to see a significant improvement in this record.

Mr. Lindsey replied that their objective is compliance, and they will do everything to achieve that for their client.

After further discussion, Dr. Larsen moved to approve the minor amendment based on the stipulations and special conditions set forth, and that Industrial Asphalt intends to remedy the historical violations with TCEQ.

Mr. Dorsett seconded the motion and it passed unanimously with a vote of 5 to 0.

5b. Discussion and possible action related to activities associated with State Highway 45 Southwest.

Mr. Dupnik reported on the flurry of correspondence and activity between USF&W, Travis County, and CTRMA. He reported that the activity was related to concerns of Travis County and the USF&W Service related to the potential impact of construction of SH 45 on the County's ITP and specifically, Flint Ridge Cave. He noted that staff was tracking the activity and asked if the Board had any further direction.

Ms. Stone stated that the Board should pause and watch.

Dr. Larsen agreed.

Mr. Dupnik said that there is a meeting scheduled with Carlos Swonke of CTRMA for 10:00 am on April 27th that he will attend. Dr. Larsen and Ms. Stansberry agreed to attend as well.

5c. Discussion and possible action related to an update on activities related to the Electro Purification Trinity well field located just outside of the District's boundaries.

Mr. Dupnik gave a brief update on the technical work that is ongoing in collaboration with Hays Trinity, Edwards Aquifer Authority, and the Plum Creek District.

No action was taken.

5d. Discussion and possible action related to pursuit of the District's legislative agenda including proposed legislation to expand the District's territory.

Ms. Stone stated that the Board would adjourn into Executive Session as authorized by the Texas Government Code Section 551.071 Consultation with Attorney at 7:05 p.m. Ms. Stone stated that no final actions or decisions would be made while in Executive Session.

The Board re-convened into open session at 9:08 p.m. Ms. Stone stated that no final actions or decisions were made while in Executive Session.

5. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 9.08 p.m.

Approved by the Board on May 14, 2015:

By: Mary Stone
Mary Stone, President

Attest: Blayne Stansberry
Blayne Stansberry, Secretary