Calhoun County Groundwater Conservation District Meeting Notice and Agenda

Notice is hereby given in accordance with the Open Meetings Act, Chapter 551, Government Code and Section 36.064 of the Texas Water Code that the Calhoun County Groundwater Conservation District Board of Directors will hold a meeting on January 22, 2024, at 5:30 PM at the 131-A N. Virginia St., Port Lavaca, Texas.

AGENDA

- 1. Call the meeting to order and welcome guests.
- 2. Receive public comments.
- Consideration of and possible action on matters related to groundwater management including the efforts and activities of the District regarding permitting, complaints, investigations, violations, and enforcement cases associated with permitting.
 - a. Permit Hearing Mr. Elmer Deforest for City of Seadrift seeks, under permitting request case PRC-20230921-01, a historic-use production permit protecting the historic production of groundwater from a grandfathered well system comprised of grandfathered well GW-00012 on a 0.32-acre tract of land near the intersection of West Cleveland and South 4th Street, grandfathered well GW-00088 located on a 1.31-acre tract of land near the intersection of Main Street and Dallas Avenue, and grandfathered well GW-00079 located on a 13.61-arce tract of land near the intersection of Main Street and Dallas Avenue in the City of Seadrift, Calhoun County, Texas for municipal uses in the amount of 243.39 acrefeet per year.
- 4. Consideration of and possible action on matters related to groundwater protection including complaints, investigations, violations, and enforcement cases related to groundwater contamination and waste.
- 5. Consideration of and possible action on matters related to groundwater monitoring.
- 6. Consideration of and possible action on matters related to groundwater conservation.
- 7. Consideration of and possible action on matters related to groundwater resource planning including Groundwater Management Area 15 Joint Planning and regional water planning.
- 8. Consideration of and possible action on matters related to groundwater policy including the Management Plan of the District and the Rules of the District.
 - a. Rulemaking Hearing proposed revisions represent policy changes and clarifications related to policies related to permitting, policies related to historic use of groundwater, policies related to non-historic use of groundwater, policies related to district waivers and petitions to amend the rules of the district, and policies related to waste, violations, investigations, and enforcement.
- 9. Consideration of and possible action on matters related to administration and management including the minutes of previous meetings, the annual budget of the district, bank accounts, investments, financial reports of the district, bills and invoices of the district, management goals and objectives of the district, administrative policies, staffing, consultant agreements, interlocal cooperation agreements, and support services provided to and from other groundwater conservation districts.
- 10. Consideration of and possible action on matters related to legal counsel report.
- 11. Adjourn.

The Calhoun County Groundwater Conservation District may close the meeting, if necessary, to conduct private consultation with legal counsel regarding matters protected by the attorney-client privilege pursuant to Section 551.071 of the Government Code or to discuss matters regarding personnel pursuant to Section 551.074 of the Government Code. The Calhoun County Groundwater Conservation District will return to open meeting, if necessary, to take any action deemed necessary based on discussion in closed meeting pursuant to Section 551.102 of the Government Code.

In Accordance with Title III of the Americans with Disabilities Act, we invite all attendees to advise us of any special accommodations due to disability. Please submit your request as far as possible in advance of event you wish to attend.

Calhoun County Groundwater Conservation District Board of Directors

Notice of Public Meeting and Permit Hearing

Notice is hereby given in accordance with the Open Meetings Act, Chapter 551, Government Code and Section 36.404 of the Texas Water Code, that the Calhoun County Groundwater Conservation District will hold a public meeting on January 22, 2024, at 5:30 PM at 131-A N. Virginia St., Port Lavaca, Texas.

During the meeting, the Board of Directors is scheduled to conduct a permit hearing, consider, and possibly take action regarding the following permitting request(s):

Mr. Elmer Deforest for City of Seadrift seeks, under permitting request case PRC-20230921-01, a historic-use production permit protecting the historic production of groundwater from a grandfathered well system comprised of grandfathered well GW-00012 on a 0.32-acre tract of land near the intersection of West Cleveland and South 4th Street, grandfathered well GW-00088 located on a 1.31-acre tract of land near the intersection of Main Street and Dallas Avenue, and grandfathered well GW-00079 located on a 13.61-arce tract of land near the intersection of Main Street and Dallas Avenue in the City of Seadrift, Calhoun County, Texas for municipal uses in the amount of 243.39 acre-feet per year.

Any person who intends to contest a permitting request must provide written notice of that intent to the District at 131-A N. Virginia St., Port Lavaca, Texas 77979 at least three calendar days prior to the hearing date in this public notice. If the District does not receive a timely notice of intent to contest a permitting request, the Board of Directors may cancel the related permit hearing and take action on the permit request(s) at the next regular board meeting in accordance with the Rules of the District.

For more information regarding this matter, contact Tim Andruss, General Manager of the Calhoun County Groundwater Conservation District at 361-482-0357 or at admin@ccqcd.org.

Public Hearing Notice

Pursuant to Chapter 36, Texas Water Code, the Calhoun County Groundwater Conservation District will conduct a public hearing on Monday, January 22, 2024, at 5:30 PM at the Coastal Center, 131-A N. Virginia St, Port Lavaca, Texas 77979.

This hearing will be conducted to receive public input concerning the proposed rule revisions designated the Proposed Rules of the District. The proposed rules specify the regulations related to registration and permitting of water wells, protection of historic use, water well spacing, groundwater production, well completion standards, fees, violations and enforcement, permit renewal and amendment, and administrative procedures. The proposed revisions represent policy changes and clarifications related to:

- 1. definition of terms,
- 2. policies related to permitting,
- 3. policies related to historic use of groundwater,
- 4. policies related to non-historic use of groundwater,
- 5. policies related to district waivers and petitions to amend the rules of the district, and
- 6. policies related to waste, violations, investigations, and enforcement.

A copy of the Proposed Rules of the Calhoun County Groundwater Conservation District may be reviewed or copied at the District's office located at the Coastal Center, 131-A N. Virginia St, Port Lavaca, Texas 77979. In addition, the Proposed Rules of the Calhoun County Groundwater Conservation District are available on the District's website at www.calhouncountygcd.org.

CCGCD - Matters For Consideration - 20240122

Item 1.0 - Convene Meeting

Management Discussion: the District completed all necessary public notification requirements for the meeting.				
See:				
Public Notice - 20240122 - Board Meeting.				
Public Notice - 20240122 - Permit Hearing - PRC-20230921-01 - City of Seadrift.				
<u>Public Notice - 20240122 - Rulemaking Hearing</u> .				
Management Recommendation: none.				
called the meeting to order at AM with the following representatives being present:				
Precinct 1: Mr. Steven Dierschke, Director:				
Precinct 2: Mr. Wesley (Clay) Brett, Vice-President:				
Precinct 3: Mr. Galen Johnson, Secretary:				
Precinct 4: Mr. Michael (Mike) Hahn, Treasurer:				
At Large: Mr. Harold (Danny) May, President:				
General Manager: Tim Andruss:				
General Counsel: Jim Allison:				
Item 2.0 - Receive Public Comment				

Item 3.0 - Report regarding Groundwater Management

Previous Consideration by the Board: <u>MFC-20231023-3.0 - Report regarding Groundwater Management</u>.

Related Programs: <u>Program - PRG-3000 - Groundwater Management - FY2024</u>.

Related Projects:

1. Project - PRJ-20243100.01 - Well Registration Processing for FY2024.

Management Discussion: offer to accept public comment from attendees.

Management Recommendation: none.

- 2. Project PRJ-20243100.02 Production Permit Renewal Processing for FY2024.
- 3. Project PRJ-20243100.03 Permit Processing for FY2024.
- 4. Project PRJ-20243100.04 Groundwater Production Report Processing for CY2023.
- 5. Project PRJ-20243100.05 Manage Investigations related to Permitting Violations for FY2024.
- 6. Project PRJ-20243100.06 Manage Enforcement Cases related to Permitting Violations for FY2024.

Management Discussion:

Regarding Well Registration Processing

As of January 19, 2024, staff had received 3 well registration applications (ARWs) since October 1, 2023:

- 1. <u>ARW-20231213-01 Machaceks Rocking M RV Park and Campground Administratively Complete</u>
- 2. ARW-20231213-02 Shoalwater Flats Association Administratively Complete
- 3. ARWS-20230915-03 ARWS-20230915-04 ARWS 20230915-05 City of Seadrift Administratively Complete

As of January 19, 2024, staff had received 3 Notices of Intent to Drill a Well (NIDWs) since October 1, 2023:

- 1. NIDW-20231030-01 Cadys Water Wells John Foster Administratively Complete
- 2. NIDW-20231201-01 WB Southern Drilling Doug Walker- Administratively Complete
- 3. NIDW-20231201-02 Cadys Water Wells David Tylerkey Administratively Complete

Regarding Production Permit Renewal Processing

As of January 19, 2024, staff had received 0 production permit renewal requests (ARPs) since October 1, 2023:

1. none.

As of <u>January 19, 2024</u>, staff had <u>0</u> permit renewal request cases pending:

1. none.

Regarding Permit Processing

As of January 19, 2024, staff had initiated 2 permitting request cases (PRCs) since October 1, 2023:

- 1. PRC-20231220-01 ANHUPPW-20231213-01 Machaceks Rocking M RV Park and Campground Pending/Uncontested
- 2. PRC-20231220-02 ANHUPPW-20231213-02 Shoalwater Flats Association Pending/Uncontested

As of <u>January 19, 2024</u>, staff had <u>16</u> permitting request cases pending:

- 1. PRC-20191126-01 ADW-20191126-01/03/AOW-20191126-02/04 LaSalle WCID # 1A Pending
- 2. <u>PRC-20200310-02 ADW-20200207-01/03/05/07/AOW-20200207-02/04/06/08 Alan Roberts, Roberts Ranch and Investments- Pending.</u>
- 3. PRC-20200401-01 ADW-20200401-01/03/05/07/AOW-20200401-02/04/06/08 Trull Service Pending
- 4. PRC-20200710-01 ADW-20200707-01/03/05/ AOW-2020070702/04/06 Monterrey Cove, LLC Pending
- 5. PRC-20201228-01 ADW-20201218-01/AOW-20201218-02 Justin B. Boyd Pending
- 6. <u>PRC-20210416-02 ADW-20210412-02/04-AOW-20210412-03/05- ARW-20210416-01- 03 Son Thanh Nguyen/Brandon Nam Van Nguyen Pending</u>
- 7. PRC-20210617-02 ADW-20210518-01/AOW-20210518-01 R2 Investments, LLC Pending
- 8. PRC-20210701-01 ADW-20210526-01/AOW-20210526-02 Mark Dietzel/Big Bear Shrimp and Seafood Pending
- 9. PRC-20210713-01 ADW-20210713-01/AOW-20210713-02 Antonio Santos Pending
- 10. PRC-20220317-02 ADW-20220308-01/AOW-20220314-01 D and T River Properties LLC Pending
- 11. PRC-20220617-01 ARW-20220617-01/ ADW-20220617-02,03,04,05,06 /AOWS-20220124-07, AWR-20220124-08 POID Pending
- 12. PRC-20230921-01 AVHUWS-20230915-01- City of Seadrift Pending/Ucontested
- 13. PRC-20230921-02 ANHUPPW-20230616-01 Justin Boyd Pending/Uncontested
- 14. PRC-20230921-03 ANHUPPW-20230915-01 Port Alto Investments Pending/Uncontested
- 15. PRC-20231220-01 ANHUPPW-20231213-01 Machaceks Rocking M RV Park and Campground Pending/Uncontested
- 16. PRC-20231220-02 ANHUPPW-20231213-02 Shoalwater Flats Association Pending/Uncontested

As of <u>January 19, 2024</u>, staff had <u>49</u> active production permits with a combined amount of authorized groundwater production per year of <u>7,777.6</u> acre-feet:

Regarding Groundwater Production Report Processing

As of January 19, 2024, staff had processed 1 groundwater production reports since October 1, 2023.

1. GPR-20231103-01 - NW-00087 - 2022 - Administratively Complete

As of <u>January 19, 2024</u>, staff had initiated <u>2</u> investigations related to groundwater management (i.e., permitting) since <u>October</u> 1, 2023:

- 1. INV-20231115.1413 Failure to Satisfy Rules of the District Production Reporting for CY2023 Active
- 2. INV-20231208.1441 Failure to Satisfy Rules of the District Failure to Register a Well Active

As of <u>January 19, 2024</u>, staff had <u>3</u> active investigation related to groundwater management (i.e., permitting):

- 1. INV-20221012.1455 Failure to Obtain a Production Permit Active
- 2. INV-20231115.1413 Failure to Satisfy Rules of the District Production Reporting for CY2023 Active
- 3. INV-20231208.1441 Failure to Satisfy Rules of the District Failure to Register a Well Active

Regarding Management of Enforcement Cases

As of <u>January 19, 2024</u>, the Board had initiated <u>3</u> enforcement case violations related to groundwater management (i.e., permitting) since <u>October 1, 2023</u>:

- 1. ECV-20231103-01 Machaceks Rockin M RV Park and Campground Failure to Obtain Production Permit Resolved
- 2. ECV-20231103-02 Sea Port Lakes Water Systems LLC. Failure to Obtain Production Permit Active
- 3. ECV-20231103-03 Shoalwater Flats Association Failure to Obtain Production Permit Resolved

As of January 19, 2024, staff had 1 unresolved enforcement cases related to groundwater management (i.e., permitting):

1. ECV-20231103-02 - Sea Port Lakes Water Systems LLC. - Failure to Obtain Production Permit - Active

Management Recommendation: none.

Item 3.1 - Permit Hearing - PRC-20230921-01 - The City of Seadrift

Previous Consideration by the Board: None.

Related Programs: <u>Program - PRG-3000 - Groundwater Management - FY2024</u>. **Related Projects:** <u>Project - PRJ-20243100.03 - Permit Processing for FY2024</u>.

Management Discussion: Mayor Elmer DeForest for City of Seadrift seeks, under permitting request case PRC-20230921-01, a historic-use production permit protecting the historic production of groundwater from a grandfathered well system comprised of grandfathered well GW-00012 on a 0.32-acre tract of land near the intersection of West Cleveland and South 4th Street, grandfathered well GW-00088 located on a 1.31-acre tract of land near the intersection of Main Street and Dallas Avenue, and grandfathered well GW-00079 located on a 13.61-arce tract of land near the intersection of Main Street and Dallas Avenue in the City of Seadrift, Calhoun County, Texas, for municipal uses in the amount of 243.39 acre-feet per year.

CCGCD - Application Bundle - City of Seadrift.pdf



The applications and supplemental information associated with this permitting request case are considered administratively complete and contain sufficient information evaluate the request relative to the rules of the district. The applicant has not submitted a request for a district waiver in connection with the permitting request.

The applicant has submitted copies of monthly operating reports from year 2014 that summarize groundwater production from the grandfathered well system for the months of January through December. The total groundwater production recorded for year 2014 from the well system equals 243.39 acre-feet. The application includes an Affidavit regarding Evidence of Historic Use of a Well System executed by affiant Elmer DeForest.

Based on the review of the information provided within the associated application and supplemental information provided by the applicant, management has determined that the request is consistent with the policies and rules of the district.

On December 13, 2023, staff completed the public notice requirements for the hearing.

As of January 19, 2024, the district had not received any notices of intent to contest the permitting request.

Management Recommendation: move to 1) cancel the permit hearing and proceed with the permitting case as an uncontested matter; and 2) issue a production permit for historic use of a well system to **City of Seadrift** for the subject well field under permitting request case **PRC-20230921-01** with the following parameters and conditions and the requirements established in the rules of the district now in effect:

Permit Identification Number: HUPPWS-20240122-01 **Associated Application Number**: AVHUWS-20230915-01

Subject Grandfathered Well: GW-00012, GW-00079, GW-00088

Authorized Groundwater Production Purpose: Municipal Uses

Authorized Groundwater Production Amount: 243.39 acre-feet per year

Well Owner: City of Seadrift

Owner of Groundwater Resources: City of Seadrift

Authorized Operator: City of Seadrift

Reporting Requirements: per RULE 4.2: REPORTING REQUIREMENT RELATED TO NON-EXEMPT-USE WELLS

- 1. The authorized operator of a permit shall report to the district any monitoring data required under the permit within thirty days (30 days) of the close of the relevant reporting period unless specified otherwise within the rules of the district or the permit.
- 2. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well to the district on an annual basis.
- 3. The well owner, authorized agent, or the authorized operator of a production permit shall measure the volume of produced groundwater from each of the subject wells using a device or method that is accurate within ten percent (10%) of the actual volume produced.
- 4. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well that is accurate within ten percent (10%) of the actual volume of groundwater produced by the non-exempt use during the calendar year.
- 5. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exemptuse well for the previous calendar year (January 1 to December 31) during January of the current calendar year.
- 6. The well owner of a non-exempt-use well shall report the volume of groundwater produced from the non-exempt-use well using a form provided by the district.
- 7. The well owner of a non-exempt-use well shall include the following information when reporting the volume of groundwater produced from a non-exempt-use well:
 - 7.1. the well registration number assigned by the district;
 - 7.2. the production permit identification number;
 - 7.3. the reporting period;
 - 7.4. the volume of groundwater produced during the reporting period in acre-foot;
 - 7.5. the method used to determine the volumes of groundwater produced during the reporting period;
 - 7.6. a statement certifying, under penalty of law, that the information reported on and attached to the report was prepared under the direction or supervision of the well owner and is, to the best of the knowledge and belief of the well owner, true, accurate and complete:
 - 7.7. the printed name of the person submitting the report; and
 - 7.8. the dated signature of the person submitting the report.

Item 3.3 - Violation ECV-20230424-03 - Juan Curz Cervantes - Failure to Report Groundwater Production CY2022

Previous Consideration by the Board: MFC-20230724-3.7 - Enforcement Hearing re ECV-20230425-03 - Juan Cruz Cervantes - Failure to Report Groundwater Production CY2022

Related Programs: Program - PRG-3000 - Groundwater Management.

Related Projects: Project - PRJ-20243100.06 - Manage Enforcement Cases related to Permitting Violations for FY2024.

Management Discussion: on July 24, 2023, the Board of Directors passed a motion opened and recess the enforcement hearing regarding violation ECV-20230424-03 and a motion to to instruct the General Manager to attempt to notify Juan Cruz Cervantes that if the required groundwater production report for calendar year 2022 is not submitted September 30, 2023, to the District, the Board of Directors will consider entering a finding that:

- 1. Juan Cruz Cervantes has committed a violation of District Rule 4.2 REPORTING REQUIREMENT RELATED TO NON-EXEMPT USE WELLS by failing to report groundwater production for calendar year 2022 for non-exempt well NW-00087 and that such violation is continuing. Each day of continued failure to report the groundwater production for calendar year 2022 constitutes a separate violation.
- 2. The penalty for this violation is assessed at \$2,000.00. Additional penalties are assessed at \$50.00 per day for each day following adoption of this order until the groundwater production for 2022 is properly reported.
- 3. Further, any associated permit for well No. NW-00087 is hereby cancelled and further production is prohibited from the well until said permit is reinstated by the district. District staff is ordered to place a seal upon the well to prevent further production.
- 4. Legal Counsel is hereby instructed to file suit if necessary to enforce this order.

On August 7, staff of the district mailed the final notice of offer to settle a violation by certified mail.

See:

CCGCD - Final Notice of Offer to Settle a Violation - EVC-20230425-03 - Juan Curz Cervantes - Bundle.pdf

3.3.1.pdf

2 MB

CCGCD - Pre Certified Mail Receipt - 7021 0350 0000 2790 9427 - Juan Cruz Cervantes.pdf

3.3.2.pdf

573 kB

CCGCD - Pre Certified Mail Address Card - 7021 0350 0000 2790 9427 - Juan Cruz Cervantes.pdf

3.3.3.pdf

66 kB

CCGCD - Post Certified Mail Receipt - 7021 0350 0000 2790 9427 - Juan Cruz Cervantes.pdf

♣ 3.3.4.pdf 437 kB

VCGCD - Certified Mail - Credit Card Receipt - CCGCD.pdf

≯ 3.3.5.pdf 65 kB

On August 8, 2023, staff of the district attempted to hand-deliver final notice of offer to settle a violation ECV-20230425-03 to Mr. Juan Cruz Cervantes.

See: CCGCD - GMo - Pre - Daily Field Records - DFR-20230808-01

On October 26, 2023, staff of the District mailed letter by certified and regular USPS mail to the address of Mr. Juan Cruz Cervantes at 145 Blevins Road, Seadrift Texas 77983.

See:
CCGCD - Letter - GPR - ECV-20230425-03 - 20231026 - Juan Cruz Cervantes.pdf

3.3.6.pdf

520 kB

CCGCD - Per Certified Mail Receipt - 7022 1670 0003 4383 0372 - Juan Cruz Cervantes.pdf

3.3.7.pdf

553 kB

CCGCD - Per Certified Mail Address Card - 7022 1670 0003 4383 0372 - Juan Cruz Cervantes.pdf

CCGCD - Post Certified Mail Receipt - 7022 1670 0003 4383 0372 - Juan Cruz Cervantes.pdf



On October 27, 2023, staff of the District attempted to hand-deliver letter to Mr. Juan Cruz Cervantes at 145 Blevins Road, Seadrift Texas 77983.

See:

CCGCD - GMo - Pre - Daily Field Records - DFR-20231027-01

CCGCD - Juan Cruz Cervantes - Image.pdf



On November 3, 2023, Mr. Juan Cruz Cervantes came by the VCGCD office to discuss the violation ECV-20230425-03 with staff of the District. Mr. Cervantes explained that he had submitted the groundwater production report for CY2022 to the offices of the district before the January 1, 2023. Mr. Andruss, General Manager for the District, explained to Mr. Cervantes that if he submits an administratively complete groundwater production report for CY2022 for well NW-00087, he would recommend to the Board of Directors at the January 2024 meeting that they consider the violation resolved and staff of the district would contact him by phone at (281)-905-2778 if there will be any settlement fees for the enforcement case violation ECV-20230424-03.

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CCGCD - ACK - GPR-CY2022 - ECV-20230425-03 - Juan Cruz Cervantes.pdf



Management Recommendation: move to designate violation ECV-20230424-03 resolved without penalty.

Item 3.4 - Violation ECV-20231103-02 - Seaport Lakes Water Systems LLC.

Previous Consideration by the Board: MFC-20231023-3.1 - Investigation related to Failures to Obtain Production Permits.

Related Programs: Program - PRG-3000 - Groundwater Management - FY2024.

Management Discussion: on October 23, 2023, the Board passed a motion to:

- find that the Seaport Lakes Water Systems LLC. violated RULE 4.1: GENERAL POLICIES RELATED TO PERMITS of the Rules
 of the District related to water well(s) owned by the Seaport Lakes Water Systems LLC. used to produce groundwater for
 public water system uses unless evidence to the contrary or evidence of relevant extenuating circumstances is submitted to
 the District;
- 2. authorize the General Manager to initiate an enforcement case regarding the violation;
- 3. set a **\$2,000.00** penalty to be paid by the **Seaport Lakes Water Systems LLC.** for each violation per RULE 11.10: PENALTIES of the Rules of the District; and
- 4. offer to settle the violation without payment of the penalties if the **Seaport Lakes Water Systems LLC.** consents to the following conditions:
 - 1. acknowledges the violation by December 31, 2023;
 - 2. pays a settlement fee of \$0.00 by December 31, 2023; and
 - 3. submits an administratively complete production permit application and any applicable applications fees to the District by December 31, 2023.

In response to the action taken by the Board, staff recorded violation <u>Enforcement Case Violation - ECV-20231103-02 - Sea Port Lakes Water Systems LLC. - Failure to Obtain Production Permit - Active</u>

On November 16, 2023, staff attempted to provide notice of violation ECV-20231103-02 to Seaport Lakes Water Systems LLC. by certified mail (CMRRR 7022 1670 0003 4383 0563). See: https://tools.usps.com/go/TrackConfirmAction?gtctlabels1=7022%201670%200003%204383%200563

CCGCD - NOV Letter - Failure to Obtain Production Permit - ECV-20231101-02.pdf



CCGCD - Pre Certified Mail Receipt - 7022 1670 0003 4383 0563 - Seaport Lakes Water Systems.pdf

≯ 3.4.2.pdf 565 kB

CCGCD - Pre Certified Mail Addresss Card - 7022 1670 0003 4383 0563 - Seaport Lakes Water Systems.pdf

≯ 3.4.3.pdf 237 kB

CCGCD - Post Certified Mail Receipt - 7022 1670 0003 4383 7022 1670 0003 4383 0563 - Seaport Lakes Water Systems.pdf

♣ 3.4.4.pdf 407 kB

USPSTrackingConfirmation - CM0563 - 20231116.pdf

⊠ 3.4.5.png 53 kB

On December 6, 2023, staff attempted to provide notice of violation ECV-20231103-02 to Seaport Lakes Water Systems LLC. by certified mail (CMRRR 7022 1670 0003 4383 0594). See: https://tools.usps.com/go/TrackConfirmAction?gtc_tlabels1=7022%201670%200003%204383%200594

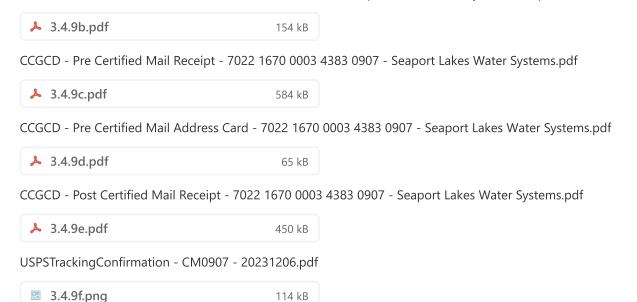
CCGCD - NOV Letter - Failure to Obtain Production Permit - ECV-20231101-02.pdf

♣ 3.4.6.pdf 133 kB

CCGCD - Pre Certified Mail Receipt - 7022 1670 0003 4383 0594 - Sea Port Lakes Water Systems

♣ 3.4.7.pdf	563 kB	
CCGCD - Pre Certified Mail Add	ressCard - 7022 1670 (0003 4383 0594 - Sea Port Lakes Water Systems.pdf
♣ 3.4.8.pdf	68 kB	
CCGCD - Post Certified Mail Rec	eipt - 7022 1670 0003	4383 0594 - Sea Port Lakes Water Systems.pdf
♣ 3.4.9.pdf	383 kB	
USPSTrackingConfirmation - CM	10594 - 20231206.pdf	
☑ 3.4.9a.png	46 kB	
		notice of need to file suit and intent to seek authorization to peaport Lakes Water Systems LLC. at the next regularly schedule

On January 11, 2024, the staff attempted to provide notice of need to file suit and intent to seek authorization to pursue enforcement of the rules by filing a civil suit against Seaport Lakes Water Systems LLC. at the next regularly scheduled meeting of the board of directors to Seaport Lakes Water Systems LLC. by certified mail (CMRRR 7022 1670 0003 4383 0907). See: https://tools.usps.com/go/TrackConfirmAction?qtc_tLabels1=7022%201670%200003%204383%200907 CCGCD - Notice of Need to File Suit - ECV-20231103-02 - Seaport Lakes Water Systems LLC.pdf



Management Recommendation: move to authorize the general manager to prepare for and schedule an enforcement hearing related to ECV-20231103-02 - Seaport Lakes Water Systems LLC. at the meeting scheduled for April 22, 2024.

Item 4.0 - Report regarding Groundwater Protection

Previous Consideration by the Board:

Related Programs: <u>Program - PRG-6000 - Groundwater Protection - FY2024.</u>

Related Projects:

- 1. Project PRJ-20246100.01 Well Inspections for FY2024.
- 2. Project PRJ-20246100.02 Manage Investigations related to Groundwater Protection for FY2024.
- 3. Project PRJ-20246100.03 Manage Enforcement Cases related to Groundwater Protection for FY2024.

Management Discussion:

Regarding Well Inspections

As of <u>January 20, 2024</u>, staff had recorded <u>0</u> well inspection forms (WIFs) since <u>October 1, 2023</u>:

1. none.

Regarding Management of Investigations related to Groundwater Protection

As of <u>January 20, 2024</u>, staff had initiated <u>0</u> investigations related to Groundwater Protection since <u>October 1, 2023</u>:

1. none.

As of <u>January 20, 2024</u>, staff had <u>0</u> active investigation related to Groundwater Protection:

1. none.

Regarding Management of Enforcement Cases related to Groundwater Protection

As of January 20, 2024, the Board had initiated 0 enforcement cases related to Groundwater Protection since October 1, 2023:

1. none.

As of <u>January 20, 2024</u>, staff had <u>0</u> unresolved enforcement case violations related to Groundwater Protection:

1. none

Management Recommendation: none.

Item 5.0 - Report regarding Groundwater Monitoring

Previous Consideration by the Board:

Related Programs: Program - PRG-4000 - Groundwater Monitoring - FY2024.

Related Projects:

- 1. Project PRJ-20244100.01 Monitor Drought Conditions for FY2024.
- 2. Project PRJ-20244100.02 Synoptic Aguifer Monitoring for FY2024.
- 3. Project PRJ-20244100.03 Continuous Water Level Monitoring for FY2024.
- 4. Project PRJ-20244100.04 Baseline Water Quality Aguifer Monitoring for FY2024.
- 5. Project PRJ-20244100.05 Ad-Hoc Baseline Water Quality Sampling for FY2024.
- 6. Project PRJ-20244100.06 Annual Water Level Assessment for FY2024.
- 7. Project PRJ-20244100.07 Annual Water Quality Assessment for FY2024.
- 8. Project PRJ-20244100.08 Monitoring Network Assessment and Improvement Project for FY2024.

Management Discussion:

Regarding Monitoring of Drought Conditions

As of <u>January 20, 2024</u>, the U.S. Drought Monitor (<u>https://www.drought.gov/states/texas/county/calhoun</u>) indicates that <u>100%</u> of Calhoun County is experiencing abnormally dry conditions.

As of <u>January 20, 2024</u>, drought condition information related to the district and the surrounding region of Texas collected from the Water Data for Texas website (<u>https://www.waterdatafortexas.org/drought/</u>) indicates that all portions of Calhoun County are experiencing abnormally dry conditions.

Regarding Monitoring of Water Levels

As of January 20, 2024, staff had collected 0 water level measurements since October 1, 2023:

1 none

Regarding Monitoring of Water Quality

As of January 20, 2024, staff had collected 0 water quality field measurements since October 1, 2023:

1. none.

As of October 10, 2023, staff had collected 2 water quality samples since October 1, 2023:

1. none.

As of October 10, 2023, staff had received 5 water quality lab reports since October 1, 2023:

1. none.

Regarding Annual Assessment of Water Levels

See: MFC-20240122-5.1 - Report regarding Groundwater Level Analysis.

Regarding Annual Assessment of Water Quality

Regarding Assessment and Improvement of the Monitoring Network

Management Recommendation: none.

Item 5.1 - Report regarding Groundwater Level Analysis

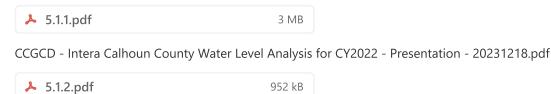
Previous Consideration by the Board:

Related Programs: Program - PRG-4000 - Groundwater Monitoring - FY2024.

Related Projects: Project - PRJ-20244100.06 - Annual Water Level Assessment for FY2024.

Management Discussion: on December 18, 2023, Dr. Young submitted the report on analysis of CY2022 water levels using the geostatistical approach for Calhoun County, Victoria County, Jackson County, and Refugio County.

CCGCD - Intera Report Water Level Analysis for CY2022 - 20231218.pdf



Management Recommendation: move to 1) accept the report on analysis of CY2022 water levels using the geostatistical approach submitted by Dr. Young of Intera, 2) find that the report supports the finding that the district is, as of CY2022, satisfying the desired future condition for Calhoun County, 3) authorize the general manager to pay the district's share of the project costs.

Item 6.0 - Report regarding Groundwater Conservation

Previous Consideration by the Board:

Related Programs: Program - PRG-2000 - Groundwater Conservation - FY2024.

Related Projects:

- 1. Project PRJ-20242100.01 Promote Conservation for FY2024.
- 2. Project PRJ-20242100.02 Conservation Education and Teacher Professional Development for FY2024.

Management Discussion:

Regarding Conservation Promotion

Regarding Conservation Education and Teacher Professional Development

Management Recommendation: none.

Item 7.0 - Report regarding Groundwater Resource Planning

Previous Consideration by the Board:

Related Programs: Program - PRG-8000 - Groundwater Resource Planning - FY2024.

Related Projects:

- 1. Project PRJ-20248100.01 Regional Water Planning Participation for FY2024
- 2. Project PRJ-20248100.02 GMA 15 Joint Planning for 4th Planning Cycle in FY2024

Management Discussion:

Regarding Regional Water Planning Participation

Representatives of the district participated in the meeting of the South Central Texas Regional Planning Group (Region L) held on November 2, 2023, to continue efforts to develop the 2026 Regional Water Plan. The next meeting of Region P is scheduled for February 14, 2024.

Regarding GMA 15 Joint Planning

Representatives of the district participated in the meeting of the representatives of Groundwater Management Area 15 on January 11, 2024 to continue joint planning efforts. During the meeting the members received a report from TWDB stating that the internal work to compare predictive results when modeling the GMA 15 DFC pumping scenario using the previous GAM (CGCD-GAM) and the current GAM (combined GMA 15 and GMA 16 extent) resulted in significant discrepancies and issues. TWDB is undertaking a review of the new model. The representatives agreed to postpone action on the joint planning work until the next meeting of GMA 15. Staff of the district had suspended efforts to negotiate terms of an agreement with Intera until TWDB provides clarity regarding the GAM to be used during the current joint planning cycle. The next meeting of the representatives of Groundwater Management Area 15 is scheduled for April 11, 2024 at Goliad County GCD offices.

Management Recommendation: none.

Item 8.0 - Report regarding Groundwater Policy

Previous Consideration by the Board: MFC-20230724-8.0 - Report regarding Groundwater Policy.

Related Programs: Program - PRG-5000 - Groundwater Policy - FY2024.

Related Projects:

- 1. Project PRJ-20245100.01 Management Plan Revisions for FY2024.
- 2. Project PRJ-20245100.02 Rule Amendments for FY2024.
- 3. Project PRJ-20245100.03 Legislative Support and Lobbying for FY2024.

Management Discussion:

Regarding Amending the Rules of the District

Staff and legal counsel reviewed the passed legislation of the previous legislative session and developed, posted, and provided notice of proposed rule revisions to be considered at this meeting scheduled by the Board of Directors:

See:

- 1. MFC-20240122-8.1 Hearing regarding Proposed Rules.
- 2. MFC-20240122-8.1.1 Adoption of Proposed Rules.

Management Recommendation: none.

Item 8.1 - Hearing regarding Proposed Rules

Previous Consideration by the Board: MFC-20230724-8.1 - Rulemaking Hearing regarding Proposed Rule Revisions.

Related Programs: <u>Program - PRG-5000 - Groundwater Policy - FY2024.</u> **Related Projects:** <u>Project - PRJ-20245100.02 - Rule Amendments for FY2024.</u>

Management Discussion: on December 20, 2023, staff of the district posted the public notice for this rulemaking hearing and the proposed rule revisions on the district website.

CCGCD - Rules of the District - Proposed 20231214.docx

CCGCD - Rules of the District - Proposed 20231214 - All Markup.pdf

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CCGCD - Rules of the District - Proposed 20231214 - No Markup.pdf

2	8.1.3.pdf	2 MB
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On December 26, 2023, staff of the district completed the public notice requirements for this rulemaking hearing. See <u>Public Notice - 20240122 - Rulemaking Hearing</u>.

The proposed revisions represent policy changes and clarifications related to:

- 1. policies related to permitting,
- 2. policies related to historic use of groundwater,
- 3. policies related to non-historic use of groundwater,
- 4. policies related to district waivers and petitions to amend the rules of the district, and policies related to waste, violations, investigations, and enforcement.

The proposed revisions are intended to clarify the regulations of the district, correct typographically errors, and incorporate required provisions associated with rule amendment petitions.

As of January 20, 2024, the District had received no feedback regarding the proposed revisions.

Management Recommendation 1: move to convene the public hearing.

Management Recommendation 2: move to accept and incorporate any non-substantive revisions proposed by the Board of Directors into the proposed rules of the district.

Management Recommendation 3: move to close the public hearing after accepting all comments and questions regarding the proposed rules.

Item 8.1.1 - Adoption of Proposed Rules

Previous Consideration by the Board: MFC-20230724-8.1 - Rulemaking Hearing regarding Proposed Rule Revisions.

Related Programs: Program - PRG-5000 - Groundwater Policy - FY2024. **Related Projects:** Project - PRJ-20245100.02 - Rule Amendments for FY2024.

Management Discussion: provided the board does not incorporate any substantive revisions to the proposed rules of the district and closes the rulemaking hearing for the proposed rules of the district, consideration of and possible adoption of the proposed rules of the district would be appropriate.

Management Recommendation: move to adopt the proposed rules of the district with the non-substantive revisions accepted and incorporated by the board during the rulemaking hearing for the proposed rules.

Item 9.0 - Report regarding Administration and Management

Previous Consideration by the Board: MFC-20230724-9.0 - Report regarding Administration and Management.

Related Programs: Program - PRG-1000 - Administration - FY2024.

Related Projects:

- 1. Project PRJ-20241200.01 Election Coordination for CY2024.
- 2. Project PRJ-20241300.01 Financial Audit for FY2023.
- 3. Project PRJ-20241300.02 Investment Management for FY2024.
- 4. Project PRJ-20241300.03 Financial Record Processing and Reporting for FY2024.
- 5. Project PRJ-20241300.04 Budget Development for FY2025.
- 6. Project PRJ-20241300.05 Asset Tracking for FY2024.
- 7. Project PRJ-20241300.06 Public Funds Training for FY2024.
- 8. Project PRJ-20241400.01 Website Improvements.
- 9. Project PRJ-20241500.01 Public Notice and Meeting Coordination for FY2024.
- 10. Project PRJ-20241600.01 Performance Audit for FY2023.
- 11. Project PRJ-20241600.02 Project Management for FY2024.
- 12. Project PRJ-20241700.01 Administrative Policy Review for FY2024.
- 13. Project PRJ-20241700.02 Transparency Reporting for FY2024.
- 14. Project PRJ-20241700.03 Cybersecurity Training for FY2024.
- 15. Project PRJ-20241700.04 Consultant Review for FY2024.
- 16. Project PRJ-20241700.05 Open Government Training for FY2024.
- 17. Project PRJ-20241700.06 District Liability Insurance Review and Renewal.
- 18. Project PRJ-20241900.01 Digital Record Archiving for FY2024.
- 19. Project PRJ-20241900.02 Physical Record Archiving for FY2024.

Management Discussion:

Regarding Meetings of the Board

The next meetings of the Board are scheduled for **April 22, 2024, July 22, 2024, August 26, 2024** (Budget and Tax Rate Matters), and **October 28, 2024,** with each meeting to convene at **5:30 PM**. Regular meetings will be rescheduled as necessary and special meeting may be scheduled to address unforeseen issues.

Management Recommendation: none.

Item 9.1 - Minutes of the Previous Meeting

Previous Consideration by the Board: MFC-20231023-9.1 - Minutes of the Previous Meeting

Related Programs: Program - PRG-1000 - Administration - FY2024.

Related Projects: Project - PRJ-20241500.01 - Public Notice and Meeting Coordination for FY2024.

Management Discussion: the minutes for October 12, 2023 were sent to the board members prior to the meeting.

See: Meeting Minutes - 20231023 - Board of Directors.

CCGCD - Meeting Minutes - 20231023 - Final.pdf

Management Recommendation: accept and approve the meeting minutes for October 23, 2023, as drafted.

Item 9.2 - Financial Reports of the District

Previous Consideration by the Board: MFC-20231023-9.2 - Financial Reports of the District

Related Programs: Program - PRG-1000 - Administration - FY2024.

Related Projects: Project - PRJ-20241300.03 - Financial Record Processing and Reporting for FY2024.

Management Discussion: the internal control review reports and internal financial reports for September, October, and November 2023 have been compiled, reviewed and sent to the board members prior to the meeting. See:

Internal Control Review Reports - ICRR-20230930-01 - September 2023

CCGCD - Internal Control Review Reports - ICRR-20230930-01 - September 2023



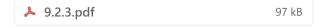
Internal Control Review Reports - ICRR-20231031-01 - October 2023

CCGCD - Internal Control Review Reports - ICRR-20231031-01 - October 2023



<u>Internal Control Review Reports - ICRR-20231130-01 - November 2023</u>

CCGCD - Internal Control Review Reports - ICRR-20231130-01 - November 2023



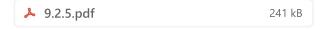
Internal Financial Reports - IFR-20230930-01 - FY2023-M12 - September 2023

CCGCD - Internal Financial Report - September 2023.pdf



Internal Financial Reports - IFR-20231031-01 - FY2024-M01 - October 2023

CCGCD - Internal Financial Report - October 2023



Internal Financial Reports - IFR-20231130-01 - FY2024-M02 - November 2023

CCGCD - Internal Financial Report - November 2023



Management Recommendation: move to accept the internal control review and internal financial reports for September, October, and November 2023.

Item 9.2.1 - Financial Transaction Review

Previous Consideration by the Board: MFC-20231023-9.2.1 - Financial Transaction Review

Related Programs: Program - PRG-1000 - Administration - FY2024.

Related Projects: Project - PRJ-20241300.03 - Financial Record Processing and Reporting for FY2024.

Management Discussion: the list below identifies each accounts payable transaction that was recorded since October 19, 2023, as of November 30, 2023:

- 1. ACCTP-20231019-01 \$7,233.72 VCGCD July 2023 TR-20231023-04-D \$7,233.72 Prosperity 4152 RECONCILED
- 2. ACCTP-20231019-02 \$7,375.28 VCGCD August 2023 TR-20231023-05-D \$7,375.28 Prosperity 4152 RECONCILED
- 3. ACCTP-20231121-01 \$106.74 Prosperity Bank TR-20231121-01-D \$106.74 Prosperity 4152 RECONCILED
- 4. ACCTP-20231121-02 \$371.01 Prosperity Bank TR-20231121-02-D \$371.01 Prosperity 4152 RECONCILED
- 5. ACCTP-20231121-03 \$2,078.49 CCAD TR-20231121-03-D \$2,078.49 Prosperity 4152 RECONCILED

the list below identifies each accounts receivable transaction that was recorded since October 19, 2023, as of November 30, 2023:

- 1. ACCTR-20231020-01 \$143.22 CCAD Tax Collections TR-20231020-01-C \$143.22 Prosperity 4152 RECONCILED
- 2. ACCTR-20231020-02 \$495.34 CCAD Tax Collections TR-20231020-02-C \$495.34 Prosperity 4152 RECONCILED
- 3. ACCTR-20231023-01 \$2,338.14 CCAD Tax Collections TR-20231023-01-C \$2,338.14 Prosperity 4152 RECONCILED
- 4. ACCTR-20231023-02 \$104.76 CCAD Tax Collections TR-20231023-02-C \$104.76 Prosperity 4152 RECONCILED
- 5. ACCTR-20231031-01 \$3,057.94 Interest TR-20231031-01-C \$3,057.94 Prosperity 3520 RECONCILED
- 6. ACCTR-20231031-02 \$102.89 Interest TR-20231031-02-C \$102.89 Prosperity 4152 RECONCILED
- 7. <u>ACCTR-20231107-01 \$150.00 City of Seadrift Application Fee TR-20231107-01-C \$150.00 Prosperity 4152 RECONCILED</u>
- 8. <u>ACCTR-20231107-02 \$24,421.33 CCAD Tax Collections TR-20231107-02-C \$24,421.33 Prosperity 4152 RECONCILED</u>
- 9. <u>ACCTR-20231107-03 \$12,558.63 CCAD Tax Collections TR-20231107-03-C \$12,558.63 Prosperity 4152 RECONCILED</u>
- 10. ACCTR-20231121-01 \$2,794.05 CCAD Tax Collections TR-20231121-01-C \$2,794.05 Prosperity 4152 RECONCILED
- 11. ACCTR-20231121-02 \$7,108.82 CCAD Tax Collections TR-20231121-02-C \$7,108.82 Prosperity 4152 RECONCILED
- 12. ACCTR-20231121-03 \$38,242.29 CCAD Tax Collections TR-20231121-03-C \$38,242.29 Prosperity 4152 RECONCILED
- 13. ACCTR-20231130-01 \$2,967.21 Interest TR-20231130-01-C \$2,967.21 Prosperity 3520 RECONCILED
- 14. ACCTR-20231130-02 \$106.19 Interest TR-20231130-02-C \$106.19 Prosperity 4152 RECONCILED

Management Recommendation: None.

Item 9.3 - Investments of the District

Previous Consideration by the Board: MFC-20231023-9.3 - Investments of the District

Related Programs: Program - PRG-1000 - Administration - FY2024.

Related Projects: Related Projects: Project - PRJ-20241300.02 - Investment Management for FY2024.

Management Discussion: the investment reports for September, October, and November 2023, have been developed, reviewed, and sent to the board members prior to the meeting.

Investment Report - IR-20230831-01 - FY2023M11 - September 2023

CCGCD - Investment Report - IR-20230930-01- FY23M12 - September 2023.pdf

♣ 9.3.1.pdf 151 kB

<u>Investment Report - IR-20231031-01 - FY2024M01 - October 2023</u>

CCGCD - Investment Report - IR-20231031-01- FY24M01 - October 2023.pdf

♣ 9.3.2.pdf 151 kB

<u>Investment Report - IR-20231130-01 - FY2024M02 - November 2023</u>

CCGCD - Investment Report - IR-20231130-01- FY24M02 - November 2023.pdf

♣ 9.3.3.pdf 151 kB

Management Recommendation: move to accept the investment reports for September, October, and November 2023.

Item 9.4 - Unpaid Accounts Payable

Previous Consideration by the Board: MFC-20231023-9.5 - Unpaid Accounts Payable

Related Programs: Program - PRG-1000 - Administration - FY2024.

Related Projects: Project - PRJ-20241300.03 - Financial Record Processing and Reporting for FY2024.

Management Discussion: the District has outstanding accounts payable invoices that are not considered regular and routine for which the District has received the goods and services billed for under the invoices.

Management Recommendation: move to authorize the general manager to pay the following items:

1. ACCTP-20230122-01 - \$945.00 - Allison, Bass & Magee, LLP

Item 9.5 - Review of Consultants

Previous Consideration by the Board: MFC-20220907-6.2 - Review of Consultants.

Related Programs: Program - PRG-1000 - Administration - FY2024.

Related Projects: Project - PRJ-20241700.04 - Consultant Review for FY2024.

Management Discussion: the District previously reviewed and considered the services provided by consultants on September 7, 2022. The District has obtained services from Jim Allison of Allison, Bass and Magee, Dr. Venkatesh Uddameri as well as Steve Young of Intera, Inc. in the past. The services provided by each consultant have been considered acceptable by the District. The services provide by Dr. Venkatesh Uddameri and Steve Young of Intera, Inc. have been obtained through interlocal cooperation agreements with the VCGCD.

Management Recommendation: move to continue the authorization for the General Manager to obtain proposals and services from Dr. Venkatesh Uddameri, Steve Young of Intera, Inc., and other consultants contracted with the VCGCD in accordance with the conditions established in the agreements between VCGCD and the consultants as appropriate.

Item 10.0 - Legal Counsel Report

Previous Consideration by the Board: MFC-20231023-10.0 - Legal Counsel Report.

Related Programs: Program - PRG-1000 - Administration - FY2024.

Related Projects: none.

Management Discussion: none.

Management Recommendation: none.

Item 11.0 - Adjourn Meeting

Management Discussion: none.

Management Recommendation: move to adjourn the meeting after concluding all business of the District.