

Minutes of Meeting  
12-07-09  
GCGCD

Mr. Dohmann called the meeting to order at 5:00 p.m. at the Water District office. Everyone stood and recited the Pledge to the United States flag and the Water District Pledge.

Mr. Dohmann introduced guests Wanda Duke, Judge Harold Gleinser and Commissioner Jim Kreneck. Roll call of directors found Wesley Ball absent. Also in attendance was Michelle Shelton, GCGCD technical administrator. Mr. Baiamonte, the District's attorney, arrived at 5:45 p.m.

**Item 1 – Public Comment on Operations of the District** –Hearing no public comment, the Board proceeded to *Item 2* of the agenda.

**Item 2 - Action on Minutes of November 16, 2009** – The Board reviewed the minutes of November 16, 2009. Mr. Dohmann stated that Mr. Kozielski will also be participating in the water testing on December 10<sup>th</sup> and this note needs to be added to item 7c. Also, under the financial section, Mr. Kozielski questioned Mr. Baiamonte about the amount of the bills, the way the bills are invoiced and who Mr. Baiamonte has spoken with other than the Water Board. A statement needs to be added to the minutes to reflect this conversation. Mr. Irwin moved to approve the minutes with the corrections/revisions. Mr. Duke seconded and the motion carried.

**Item 3 - Discussion and possible action on meetings attended and upcoming meetings –**

**a. 11-5-09 – Region L meeting- Report** – Mr. Dohmann reported on the Region L meeting attended by Art Dohmann, Joe Kozielski, John Duke and Michelle Shelton on Thursday, November 5<sup>th</sup>. Mr. Dohmann stated that it was interesting and frustrating at the same time, there are real problems surfacing again. In adopting the plan 5 years ago, Region L had some changes all the way to the time they needed to adopt by law. The planning group got into a couple of groundwater issues basically in the last month and voted not to approve the plan and time expired. The same things appear to be happening now regarding the Guadalupe River. LGWSP for GBRA needs in the upper basin has been in the plan for the past 5 years. Now this project has been pulled off the table and replaced with the Simsboro Project. Interesting statement of the project is “part or all of the water needed by this Water Management Strategy is anticipated to be supplied from locations within the jurisdiction of a groundwater conservation district and may exceed the amount of available water identified in the District's approved management plan, or may for other reasons not be permitted by the District.” Other projects being proposed are a storage project that will put off channel storage next to the canal, and during periods of low demand can pump into that storage as well as a GBRA New Appropriation Project. GBRA has filed application for 189,000 acre feet of junior right, inappropriate water for this project. GBRA would only be allowed to pump during high stream flow and priced based on firm yield. If TCEQ grants this appropriation, GBRA can pump 189,000 acre feet of water out of the Guadalupe River. This will surely affect the bays and estuaries. GBRA wants this project sanctioned by the Regional planners. No further action was required.

**b. 12-15-09 – USGS/Coletto Creek Project meeting – GCGCD** – The Board was reminded of the meeting on the 15<sup>th</sup> at 1:00 p.m. at the GCGCD offices regarding the groundwater to surface water interface study. Ms. Smith will post the meeting. No further action was required.

**c. other meetings - None**

**Item 4 - Correspondence** – None

**Item 5 - Old Business** –

**a. Discussion and possible action on contested case hearing and uranium activities** – Mr. Baiamonte notified the Board that in terms of the scheduling order, this is currently in limbo. The cancellation of the yellow cake plant in Goliad County required a permit application revision and TCEQ

needed 45 days in order to evaluate that revised application. Mr. Baiamonte received an e-mail today from UEC attorney regarding TCEQ Notice of Deficiency (NOD). The TCEQ staff had some questions on UEC's revised figures and tables and they requested UEC respond to those questions no later than December 7<sup>th</sup>. At 4:00 p.m. the District received UEC's response to this request. Technical review is hitting some bumpy roads. The NOD was regarding how much water was coming off of the processing plant, also pursuant to the tables instead of 100% reverse osmosis, they decreased to 50% therefore TCEQ has concerns. TCEQ staff is having questions regarding revised numbers as a result of consolidating and taking out the processing plant. The numbers regarding restoration have been changed as well. UEC is saying with only 50% of water reverse osmosis processes, there will be less to inject in the deep disposal well because they won't be running nearly the volume. The schedule for December 15<sup>th</sup> (revised order agreement) is still in the air. No further action was required.

**b. Discussion and action on GMA 15 meeting attended by Art** – Mr. Dohmann met with Tim Andruss of VCGCD, Garrett Engelking of RCGCD and Kay Wilde of PVGCD. Victoria County is considering hiring a consultant to deal with GMA 15 activity. The remainder of the Districts feels this would not have any benefit to their individual districts due to the fact that they would use the TWDB GAM as well as be very costly. The analysis of the GAM run that TWDB will be doing is supposed to be completed by December 15<sup>th</sup>. Mr. Dohmann suggested we wait to see what that run tells us. The existing GAM by TWDB has a lot of flaws in it. It was previously suggested that Goliad County was to be split between GMA's 15 and 16. There was a coalition of people that said we need to have a separate GMA for Bee, Refugio, Goliad, DeWitt and Victoria counties. TWDB said there would only be 16 GMA's and they would not deviate from that due to the legislature. GCGCD may pursue splitting and prepare an expert evaluation on proposing to the GMA that we do a two component DFC in GMA 15 (GMA 15(a) and GMA 15(b)) and look at some of the criteria around the model itself. No further action was required.

**c. Report on water level monitoring in South County** – Mrs. Shelton prepared a report for the 18 wells that had water levels read showing an average increase in the water table in the southern part of the county of +.3. No further action was required.

**d. Discussion and action on UEC proposed settlement provided to County Judge** – Mr. Dohmann reviewed with the Board the letter submitted by UEC on November 11, 2009 to the County. Judge Gleinser had no comments in open session. A previous letter to the county stated that any offers were contingent upon all affected parties withdrawing from the contested case hearing. The District's responsibility is to protect the quantity and quality of the groundwater in Goliad County. In a conversation with Harry Anthony, Mr. Irwin told him it didn't address any of the groundwater concerns GCGCD asked for. The mining in sand "A" was not addressed either. It was revealed that if Mr. Anthony was required to get a permit, he would take some of the other items off the table. Judge Gleinser feels that we have spent a large sum of money but he is prepared to go to the contested case hearing. There was a letter of nine points submitted to UEC by all affected parties of which only 3 were touched on. Mr. Drier moved to proceed with the contested case hearing. Mr. Duke seconded and the motion carried by a vote of 6-0.

**e. Report and possible action on wells not previously registered** – The office has been doing a lot of work on the unregistered list. As of today, the list is down to 44 wells. Mr. Dohmann proposes sending a letter out to the landowners requesting their cooperation in registering their wells which would carry with it the registration benefits. If they want the protections and allocations, they would need to comply with registration. October 2005 is a beginning date for the water well drillers, anything not registered after that date will result in penalties. No further action was required.

**f. Discussion and action on water quality testing on December 8, 2009** – The testing schedule has been rescheduled for the 10<sup>th</sup> of December. No further action was required.

**g. Other old business** - None

#### **Item 6 - New Business –**

**a. Discussion and action on having Mr. Paulsgrove pursue sale of building by County** – Mr. Irwin suggested having Mr. Paulsgrove do some research on what it would take to clean up the title on the

GCGCD office building and then have the District make an offer to purchase it. Mr. Irwin moved to allocate \$200 to get an opinion from Mr. Paulsgrove regarding obtaining a title to purchase the GCGCD office building. Mr. Duke seconded and motion carried.

**b. Discussion and action on bills sent to GCGCD from County for utilities** – The Board reviewed the bills submitted by the County for utilities, gas and internet. The total for the three utilities was \$731.89. This would average to \$183 a month for 4 months. The budget allowed \$200 a month. Mr. Dohmann is concerned about the excessive electrical charge. Ms. Smith stated it is based on an accumulative KHz. Ms. Smith's thoughts are that we are able to take advantage of the low rate so we must incur the excessive usage fees. Water, sewer and garbage will be also need to be added to this for the monthly expenses. Mr. Dreier moved to pay the bills submitted by the County. Mr. Irwin seconded and the motion carried.

**Item 7 - Reconvene to take action on items discussed in executive session** – No Executive Session.

**Item 8 - GCGCD Calendar and next meeting agenda items** – The Board reviewed the calendar for December, 2009. No further action was required.

**Item 9 - Public Comment** - None

**10. Adjourn** – Ms. Smith moved to adjourn the meeting. Mr. Kozielski seconded and the meeting was adjourned at 6:30 p.m.

Respectfully Submitted,

*Barbara Smith*

Barbara Smith, Manager

Michelle Shelton, Technology Administrator

Approved by Board with correction to second sentence of Item 2

12-21-09

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