

# Refugio Groundwater Conservation District

604 E. Commerce St., Refugio, Texas 78377

P.O. Box 116, Refugio, Texas 78377

Phone (361) 526-1483 | Fax (361) 526-1294 | www.rgcd.org

THE STATE OF TEXAS  
REFUGIO COUNTY

The Board of Directors of the Refugio Groundwater Conservation District convened a meeting on October 17, 2022, at 6:00 PM at the First Baptist Church of Woodsboro Fellowship Hall, 309 Johnson Street, Woodsboro, Texas 78393

## Meeting Attendance:

Precinct 1:	Mr. John Snyder, Treasurer	Present
Precinct 2:	Mr. Carroll Borden, President	Present
Precinct 3:	Vacant	
Precinct 4:	Mr. Fredric Biery, Secretary	Present
At Large:	Mr. Scott Carter, Vice President	Absent
General Manager:	Mr. Timothy Andruss	Present
Legal Counsel:	Mr. James Allison	Present

## Agenda Item 1: Call the meeting to order and welcome guests.

**Meeting Discussion:** Carroll Borden called the meeting to order at approximately 6:02 PM.

**Board Action:** No action taken.

## Agenda Item 2: Receive public comments.

**Meeting Discussion:** None.

**Board Action:** None.

**Agenda Item 3: 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.**

### 3.0 – Report regarding Groundwater Management

**Meeting Discussion:** Mr. Andruss explained as of October 12, 2022, the District has initiated 19 permitting request cases since July 1, 2022 and 1 permitting request case remains pending.

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As of October 12, 2022, the volume of groundwater reported to be produced in calendar year 2021 was 285.154 acre-feet.

As of October 12, 2022, the volume of groundwater production authorized for:

1. Water wells permitted under aggregate production permits (well fields and well systems) is 378.71 acre-feet per year,
2. Water wells not permitted under aggregate production permits is 845.5 acre-feet per year,
3. With a combined total of 1,224.21 acre-feet per year.

As of October 12, 2022, the District had two open investigations Each investigation will be considered in greater detail under subsequent items.

As of October 12, 2022, the District had two open enforcements cases. The enforcement cases will be considered in greater detail in subsequent items.

**Board Action:** None.

### **3.0.1 – Review of Permitting Request Cases**

**Meeting Discussion:** Mr. Andruss explained as of October 12, 2022, the District has initiated 19 permitting request cases since July 1, 2022.

As of October 12, 2022, 1 permitting request and application is pending with the District.

**Board Action:** None.

### **3.2 – Enforcement Cases related to Failures to Properly Seal the Annular Space of a Well**

**Meeting Discussion:** Mr. Andruss explained during the meeting held on July 18, 2022, the Board considered enforcement cases related to apparent failures to seal the annular space of new wells in accordance with RULE 7.2: STANDARDS FOR COMPLETION OF WELLS.

Subsequent to the meeting while working to develop revisions to the draft rules of district, management concluded that the fair and consistent enforcement of the requirements related to constructing water wells, in particular the requirements related to sealing the annulus, will continue to be extremely difficult and costly to achieve and is likely to only produce benefits in limited instances. Therefore, substantially revisions to the draft rules of the district related to the well construction requirements have been developed that eliminates the district-

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specific well construction standards. This recommended revision and other recommended revisions to the draft rules are presented in matter under MFC-20221017-8.1 - Review of Draft Rule Revisions and Draft Fee Schedule.

If the Board is inclined to adopt revisions to the rules of the district that eliminates the district-specific well construction standards or eliminates the well sealing requirements, proceeding with enforcement cases associated to the well construction requirements may result in penalizing well drillers and well owners in relation to rules that are eliminated in the near future, until concluding the rule revision process.

**Board Action:** Mr. Borden moved to suspend enforcement case proceedings connected with all enforcement cases related to apparent failures to seal the annular space of new wells in accordance with RULE 7.2: STANDARDS FOR COMPLETION OF WELLS until the Board concludes its efforts to revise the rules of the District. Mr. Biery seconded the motion. The motion passed unanimously.

### 3.3 – INV-20220712.0917 – Failure to Report Groundwater Production

**Meeting Discussion:** Mr. Andruss explained as of October 12, 2022, the District has identified 7 wells under investigation INV-20220712.0917 - Failure to Report Groundwater Production - Active that have potentially violated RULE 2.6: REPORTING REQUIREMENT OF NON-EXEMPT USE WELLS. The District has made several unsuccessful attempts to obtain groundwater production reports for the subject wells from the identified well owner and current landowner of the well site.

**Board Action:** Mr. Snyder moved to:

1. initiate an enforcement case for each of the instances identified above of a potential violation of RULE 2.6: REPORTING REQUIREMENT OF NON-EXEMPT USE WELLS;
2. find that the well owner as of December 31, 2021, of the wells identified above as violated RULE 2.6: REPORTING REQUIREMENT OF NON-EXEMPT USE WELLS;
3. offer to settle the associated violations for each enforcement case if the following requirements are completed by December 31, 2022:
  1. the well owner as of December 31, 2021, acknowledges the violation; and
  2. the well owner as of December 31, 2021, submits an administratively complete groundwater production report for calendar year 2021; and
4. offer to retract the finding that the well owner as of December 31, 2021, of the wells identified above as violated RULE 2.6: REPORTING REQUIREMENT OF NON-

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EXEMPT USE WELLS if the well owner, submits an application to amend the registration of the subject well to classify the well as an exempt-use well and indicates the status change applied prior to calendar year 2021.

Mr. Borden seconded the motion. The motion passed unanimously.

## 3.4 – INV-20220805-1427 – Failure to Notify of Intent to Place Casing

**Meeting Discussion:** Mr. Andruss explained the District has 1 active investigation associated with well drillers apparently failing to provide notice to the District of intent to place casing into a new well boreholes. Item 4 of RULE 4.2: PERMITTING POLICIES AND PROCEDURES RELATED TO DRILLING PERMITS went into effect on December 14, 2015, and states "A person drilling a well shall provide the District with notice of intent to place casing in the borehole at least two hours and not more than three hours before placing casing in the borehole."

The District has determined, under investigation INV-20220805.1427 - Failure to Notify of Intent to Place Casing - Active, that Mr. Mr. Andres Flores, Jr. appears to have failed to provide proper notice of intent to place the casing in well NW-00658 completed on March 28, 2022, for Mr. John Kain at 199 Old Goliad Road (Well Log Reports - WL-20220721-01 - NIPCR ID - John Kain - Administratively Complete, Tracking Number 605306). This appears to be the first instance that Mr. Flores failed to provide proper notice of intent to place casing in a well drilled in Refugio County.

Previously, in association with similar investigations related to the well driller's first potential violation of this provision, the Board has authorized 1) the General Manager to notify well drillers , by certified mail, of the requirement to provide notice under Rule 4.2 of the Rules of the District and that future investigations identifying potential violations of item 4 of Rule 4.2 will result in the District engaging in enforcement proceedings and possibly levying fines; and 2) authorize the General Manager to close the investigations upon receiving the associated mail receipt.

**Board Action:** Mr. Borden moved to:

1. initiate an enforcement case regarding the failure to provide notice of intent to place casing in the well NW-00658;
2. find that Mr. Flores violated RULE 4.2: PERMITTING POLICIES AND PROCEDURES RELATED TO DRILLING PERMITS by failing to provide notice of intent to place casing in well NW-00658;
3. offer to settle the violation if Mr. Flores acknowledges the violation by December 31, 2022; and

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4. offer to retract the finding that Mr. Flores violated RULE 4.2: PERMITTING POLICIES AND PROCEDURES RELATED TO DRILLING PERMITS by failing to provide notice of intent to place casing in well NW-00658 if evidence is submitted demonstrating notice was provided in accordance with the rules of the district.

Mr. Biery seconded the motion. The motion passed unanimously.

## **3.5 – INV-20221006.1657 – Failure to Obtain Production Permit**

**Meeting Discussion:** Mr. Andruss explained the District continues to work toward voluntary compliance with the rules of the district regarding groundwater production permitting. Currently, the District is reviewing the published list of public water supplies

On October 3, 2022, the District retrieved a listing of water utility district maintained by TCEQ. Under investigation INV-20221006.1657 - Failure to Obtain Production Permit - Active, the District has identified 6 active utilities within Refugio County that obtain water from groundwater-based public water systems for which active groundwater production permits issued by the District cannot be located. The District will attempt to assist those utilities in resolving any permitting issues. Any unresolved, potential violations will be presented to the Board for consideration at the January 2023 meeting.

The staff note that the associated wells appear to be grandfathered wells and eligible for historic use validation. In most of the cases, it appears the production capacity of the wells, well fields, or well systems equals or exceeds 250 GPM and would be subject to additional permitting requirements if not permitted under the historic use validation provisions of the rules.

**Board Action:** None.

**Agenda Item 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.**

## **4.0 – Report regarding Groundwater Protection**

**Meeting Discussion:** Mr. Andruss explained as of October 12, 2022, the District had an active investigation (RGCD - GP - CIE - Investigations - INV-20191202:1017 - Potential Contamination of Groundwater at Woodsboro Farmers Cooperative - Active) related to groundwater protection. The District opened the investigation in response to notifications received from TCEQ regarding a contamination event. The District contacted TCEQ to obtain a status report for the

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case. As of March 29, 2022, the responsible party had installed additional monitoring wells, collected additional groundwater samples, and requested a 60 day extension to revising the affected parties report. The District has made numerous requests, most recently on July 12, 2022, for analytical results from water samples collected from monitoring well on the site. The District will continue to monitor the case and report to the Board regarding any changes at the meeting scheduled for January 2023.

**Board Action:** None.

## **Agenda Item 5: Consideration of and possible action on matters related to Groundwater Monitoring.**

### **5.0 – Report regarding Groundwater Monitoring**

**Meeting Discussion:** Mr. Andruss explained according to the National Integrated Drought Information System, the U.S. Drought Monitor (USDM) is updated each Thursday to show the location and intensity of drought across the country using a five-category system, from Abnormally Dry (D0) conditions to Exceptional Drought (D4). The USDM is a joint effort of the National Drought Mitigation Center, USDA, and NOAA.

The U.S. Drought Monitor (<https://www.drought.gov/states/texas/county/refugio>) indicates that 3.39% of Refugio County was experiencing abnormally dry conditions while 0.0% of Refugio County was experiencing drought as of October 12, 2022.

**Board Action:** None.

## **Agenda Item 6: Consideration of and possible action on matters related to Groundwater Conservation.**

### **6.0 – Report regarding Groundwater Conservation**

**Meeting Discussion:** Mr. Andruss explained on September 29, 2022, Dr. LeSage-Clements informed the District that the student water quality camps proposed in the conservation promotion project by UHV were scheduled for October 8 and October 15, 2022.

**Board Action:** None.

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## **Agenda Item 7: Consideration of and possible action on matters related to Groundwater Resource Planning including Groundwater Management Area 15 Joint Planning and Regional Water Planning.**

### **7.0 – Report regarding Groundwater Resource Planning**

**Meeting Discussion:** Mr. Andruss explained the representatives of Region L met on August 4, 2022, to continue efforts to develop the 2026 Regional Water Plan. The next meeting of Region L is scheduled for November 3, 2022.

The representatives of Management Area 15 met on October 13, 2022, to continue its joint planning efforts. The next meeting of GMA 15 is scheduled for January 2023.

**Board Action:** None.

## **Agenda Item 8: Consideration of and possible action on matters related to Groundwater Policy including the Management Plan of the District and Draft Revisions to the Rules of the District and Fee Schedule.**

### **8.0 – Report regarding Groundwater Policy**

**Meeting Discussion:** Mr. Andruss explained the staff of the District continue to draft revisions to the Rules of the District for the purposes of eliminating unnecessary regulations, streamlining procedures, improving groundwater regulation and long-term management of groundwater resources within Refugio County. See MFC-20221017-8.1 - Review of Draft Rule Revisions and Draft Fee Schedule.

In anticipation of the adoption of the desired future conditions for Groundwater Management Area 15 and development of Modeled Available Groundwater (MAG) estimates by the Texas Water Development Board (TWDB), the District has initiated a project for updating the Management Plan of the District. The draft management plan will be presented to the Board for consideration after TWDB develops MAG values and other technical data required to be incorporated in the management plan.

**Board Action:** None.

### **8.1 – Review of Draft Rule Revisions and Draft Fee Schedule**

**Meeting Discussion:** Mr. Andruss explained on July 18, 2022, the Board passed a motion authorizing the general manager to 1) publicly post the draft rules of the

Working to Conserve, Preserve, Protect, and Prevent Waste of Groundwater Resources Within Refugio County for the Benefit of Refugio County's Landowners, Citizens, Economy, and Environment.

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district for the purposes of accepting public, 2) notify entities such as the County of Refugio, the City of Refugio, and the City of Woodsboro of the draft rules of the district, and 3) post the required notices of a rule making hearing regarding the draft rules scheduled for October 17, 2022.

In response to input received from directors from the cooperating districts and input received from legal counsel, a revised "management draft" of revisions to the rules of the district was developed. Despite management's efforts to address concerns raised by a director of the Texana GCD, that director's continuing concern that the advancement of the "management draft" would undermine public confidence and cooperation with the Texana GCD, an "alternate draft" of revision to the rules of the district was developed for Texana GCD. While this "alternate draft" for Texana GCD contains numerous improvements, it is not the recommendation of management that this approach be taken for revising the rules of the district.

**Board Action:** None.

## **Agenda Item 9: Consideration of and possible action on matters related to Meeting Management including Minutes of Previous Meetings.**

### **9.0 – Report on Meeting Management**

**Meeting Discussion:** Mr. Andruss explained the next meetings of the Board are scheduled for January 9, 2023 (2nd Monday of month), April 17, 2023, July 17, 2023, August 21, 2023 (Budget and Tax Rate Matters), and October 16, 2023, with each meeting to convene at 6:00 PM. Regular meetings will be rescheduled as necessary and special meeting may be scheduled to address unforeseen issues.

**Board Action:** Mr. Biery moved to accept the 2023 meeting schedule and authorize the general manager to publish it on the website. Mr. Borden seconded the motion. The motion passed unanimously.

### **9.1 – Minutes of the Previous Meeting**

**Meeting Discussion:** Mr. Andruss explained the minutes for the meeting held on September 6, 2022, were sent to the board members prior to the meeting.

**Board Action:** Mr. Biery moved to accept and approve the meeting minutes for September 6, 2022, as drafted. Mr. Borden seconded the motion. The motion passed unanimously.



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## **Agenda Item 10: Consideration of and possible action on matters related to Financial Management including the Annual Budget of the District, Bank Accounts, Investments, Financial Reports of the District, Bills and Invoices of the District.**

### **10.0 – Report on Financial Management**

**Meeting Discussion:** Mr. Andruss explained the financial records for July and August 2022 have been compiled, reviewed, and sent to the board members prior to the meeting.

**Board Action:** Mr. Borden moved to accept and approve the financial records for July and August 2022. Mr. Snyder seconded the motion. The motion passed unanimously.

#### **10.0.1 – Financial Transaction Review**

**Meeting Discussion:** Mr. Andruss listed each accounts payable and accounts receivable transaction recorded since July 1, 2022, as of October 13, 2022.

**Board Action:** None.

### **10.1 – Unpaid Accounts Payable**

**Meeting Discussion:** Mr. Andruss explained 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.

**Board Action:** Mr. Biery moved to authorize the general manger to pay the outstanding accounts payable items. Mr. Borden seconded the motion. The motion passed unanimously.

### **10.2 – Financial Audit for FY2022**

**Meeting Discussion:** Mr. Andruss explained Mr. Goldman of Goldman, Hunt, and Notz LLP has submitted an engagement letter related to performance of a financial audit of the District for FY2022.

**Board Action:** Mr. Borden moved to accept the offer of Goldman, Hunt, and Notz, LLP to perform the financial audit for the fiscal year ending September 30, 022 and authorize the firm to begin the audit upon development of the internal financial reports for September 30, 2022. Mr. Biery seconded the motion. The motion passed unanimously.

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**Agenda Item 11: Consideration of and possible action on matters related to Office Administration and Management including Management Goals and Objectives of the District, Administrative Policies, Election of Officers of the Board, Staffing, Consultant Agreements, Interlocal Cooperation Agreements, and Support Services Provided to and from other Groundwater conservation Districts.**

## 11.0 – Report regarding Administration and Management

Meeting Discussion: None.

Board Action: None.

**Agenda Item 12: Consideration of and possible action on matters related to Legal Counsel Report.**

Meeting Discussion: None.

Board Action: None.

**Agenda Item 13: Adjourn.**

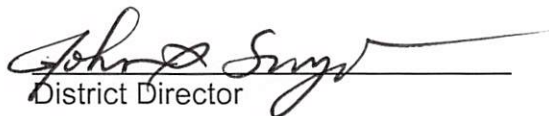
## 13.0 – Adjourn Meeting

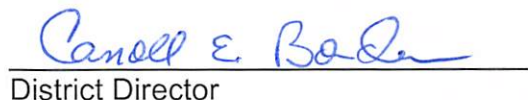
Meeting Discussion: None.

**Board Action:** Mr. Borden moved to adjourn the meeting after concluding all business of the District at 8:08 PM. Mr. Biery seconded the motion. The motion passed unanimously.

The above and foregoing minutes were read and approved on this the 9<sup>th</sup> day of January, 2023.

ATTEST:

  
District Director

  
District Director