

**MINUTES OF THE BOARD MEETING
RED RIVER GROUNDWATER CONSERVATION DISTRICT**

WEDNESDAY, AUGUST 21, 2012

**AT THE GREATER TEXOMA UTILITY AUTHORITY
BOARD ROOM
5100 AIRPORT DRIVE
DENISON, TX 75020**

Members Present: George "Butch" Henderson, George Olson, David Gattis, Harold Latham, Don Morrison, Mark Patterson

Members Absent: Don Wortham

Staff: Jerry Chapman, Carolyn Bennett, and Carmen Catterson

Visitors: Jonathan Cannon, Herald Democrat
Alex Moser, AL Moser Drilling
Joey Rickman, City of Honey Grove

1. Call to order, declare meeting open to the public, and take roll.

President Henderson called the meeting to order at 2:00 PM. All members were present, except Secretary/Treasurer Wortham.

2. Public Comment.

No comments received.

3. Consider approval of Minutes of July 25, 2012, board meeting

Board Member Morrison motioned to approve the Minutes of the July 25, 2012 public hearing and board meeting. The motion was seconded by Board Member Gattis and passed unanimously.

4. Review and approval of monthly invoices.

President Henderson reviewed the invoices received for approval. Mr. Chapman explained the reimbursement to GTUA for services paid to GoDaddy. The service was set to expire with no warning, so the staff sent a request to the Board for authorization to renew the service.

Vice President Olson motioned to approve the monthly invoices. The motion was seconded by Board Member Gattis and passed unanimously.

5. Receive Monthly Financial Information

The budget is performing as anticipated and only one line item is over the budgeted amount. The budget included \$60,000 for contract services and the expenses are currently \$17,000 over. The staff will provide a recommended budget amendment closer to the end of the budget cycle.

6. Consider and act upon update to Well Registration Website application to connect with the ASYST accounting program

This will allow the information captured on the website to be imported into the ASYST accounting system. By having this automated system, the staff will not have to manually input the data into the system. The cost for this is \$800 as a reimbursement to the North Texas GCD.

Board Member Gattis motioned to approve reimbursing the North Texas GCD in the amount of \$800 to connect the well registration website and the ASYST accounting program. The motion was seconded by Board Member Patterson unanimously.

7. Review and consider possible changes to Temporary Rules adopted by District in August 2011

A. Review and Evaluate District Rules Regarding Waste of Groundwater

The primary reason for the discussion on the Temporary Rules is that the Management Plan requires that the Board review the waste of groundwater annually. Mr. Chapman explained that the staff had no recommendation for modifications. President Henderson asked if the District was capturing data on water loss. The staff responded that this is not currently being collected, but could request this information from the non-exempt well owners. The non-exempt well owners are now required to report production, but not water loss. Public water systems are required to submit a report to the State each year so the information is available.

The Board requested the staff to collect more information on waste and provide it to the Board in the annual report. The Board will review waste again in 2013, once better information has been collected. Board Member Patterson commented that entities are already being burdened with additional forms and recommended that the staff collect the information from the Texas Water Development Board (TWDB). Vice President Olson agreed that water loss is good information, but should be collected from the State, not the entities.

B. Review and Evaluate District Rules Regarding the Difference Between Chapter 36.117 of the Texas Water Code and RRGCD Temporary Rules Relating to Exempt Wells

Chapter 36.117 of the Texas Water Code discusses the definition of exempt and non-exempt wells. The Statute sets the exemption limit at 25,000 gallons per day, while the District has raised that limit to 40,000 gallons per day. Most of the groundwater districts in the State have set their limits at 25,000 gallons per day, except for the North Texas GCD, which has set the limit at 36,000 gallons per day.

C. Review and Evaluate District Rules Regarding Reporting and Payment Provisions

The current situation with the District rules is that the reporting period goes from January 1 to June 30th. On August 31st, the users are required to submit their meter readings. The payments are due September 1st. This schedule does not leave any time for invoicing or for submitting the invoice to city councils or boards for approval. Mr. Chapman recommended reducing the reporting period to 30 days and then the second 30 days would be available for invoicing and approval.

Board Member Gattis recommended making the changes recommended to the schedule. It would make the process easier on all parties involved.

President Henderson recommended collecting all possible changes so that the District can hold one public hearing to make all modifications. The staff recommended waiting several months to hold the

hearing until more options were reviewed. The Board needs to meet and discuss all possible changes to the Temporary Rules.

8. Consider and act on a policy relating to non-exempt wells not metered on or before July 1, 2012

In some circumstances, non-exempt wells will not have been registered prior to July 1, 2012. This has not currently arisen in this District, but the North Texas GCD has encountered this circumstance in several occasions. Mr. Chapman requested the Board to provide guidance and develop a policy for handling this situation. This is not currently addressed in the Temporary Rules. Vice President Olson stated that he interpreted this situation as a request from the staff to work with the public and work toward a solution. Board Member Patterson stated that the penalty needed to be stiff enough to ensure compliance, but not cause an undue burden.

Mr. Chapman commented that failing to timely meter a well is considered a Major Violation with a fine of \$500 for a first offense, \$1,000 for a second offense and a civil suit for a third offense. Rather than issuing a major violation, the staff would rather work with the public to ensure compliance. Board Member Patterson recommended that if a well is not metered, the owner provide an estimate of groundwater produced and then require that amount match the following period or the difference would be owed to the District.

At this time, Mr. Chapman recommended having the field technician work with the well owner to develop a solution that is amicable to both parties and then have the Board approve the solution. If a well owner refuses to meter a well, that would fall into the Major Violation fine schedule. The first reporting period for the District began on July 1 and will end of December 31.

President Henderson commented that if the District leaves the exemption limit at 40,000 gallons per day it would reduce the noncompliance from the 25,000 to 40,000 gallon per day wells. Vice President Olson stated that he does not want to fill meetings with non-compliant well owners. He expressed the desire for the General Manager to have the authority to handle those situations. Vice President Olson recommended that the staff provide some language to create a fair and equitable method that would be applied equally to all non-compliant non-exempt well owners. The Board discussed possible methods for developing guidelines, but needed more information.

9. General Manager's Report

The staff provided a breakdown of wells registered in the District. The TWDB has been receiving comments on changes proposed to Chapter 356 of the Texas Administrative Code. Mr. Chapman briefly summarized the proposed changes. The staff discussed the injection well application in Sadler with Mr. Bill Hutchison, the District's hydrogeologist. Mr. Hutchison did not recommend any action. Mr. Chapman provided a presentation to the Grayson County Republican Women's group last week. The presentation was well-received. The Texas Alliance of Groundwater Districts (TAGD) group will have a Groundwater Summit in Austin on August 28th and 29th. The field technician began inspecting wells in Grayson County.

The Board again discussed the changes to Chapter 356 of the Texas Administrative Code. The TWDB is accepting comments. The changes are all between the TWDB and the Texas Legislature. The Board confirmed that no action was necessary.

10. Open forum / discussion of new business for future meeting agendas

Mr. Rickman commented on the well registration website. He had no problems registering wells in the system. He did recommend that the system be modified to enable users to edit their meter readings. President Henderson responded that the system was set up to control the data and give all parties time to become comfortable with the system. The Board did not want the public to have too much ability to modify data in the system.

The Board tentatively scheduled a meeting for 2:00 PM on September 18th.

11. Adjourn

Upon motion by Board Member Gattis seconded by President Henderson and passed unanimously, the Board adjourned at approximately 3:02 PM.

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Recording Secretary



Secretary-Treasurer