

**NORTH TEXAS
GROUNDWATER
CONSERVATION
DISTRICT**

PERMIT HEARING AND BOARD MEETING

**PILOT POINT ISD ADMINISTRATION
829 S. HARRISON ST.
PILOT POINT, TEXAS 76258**

**TUESDAY
DECEMBER 10, 2019
10:00 AM**

NOTICE OF PUBLIC MEETING
OF THE
BOARD OF DIRECTORS of the
NORTH TEXAS GROUNDWATER CONSERVATION DISTRICT
at the

**Pilot Point ISD Administration Office
829 S. Harrison St.
Pilot Point, TX 76258
Tuesday, December 10, 2019**

Permit Hearing

The Permit Hearing will begin at 10:00 a.m.

Notice is hereby given that the Board of Directors of the North Texas Groundwater Conservation District ("District") will conduct a permit hearing on the following Production Permit Application:

Agenda:

1. Call to Order; establish quorum; declare hearing open to the public; introduction of Board.
2. Review the Production Permit Application of:

Applicant: Diamond A Hickory Creek LP, 200 Crescent Circle #1350, Dallas, TX 75201

Location of Well: 121 Harbor Lane, Hickory Creek, TX 76065; Latitude: 33.118645°N Longitude: 97.050415°W; located 700 feet south of the intersection of Thoroughbred Drive and Harbor Lane and 600 feet east of Harbor Lane

Purpose of Use: Domestic and Lawn Irrigation

Requested Amount of Use: 5,157,000 gallons per year

Production Capacity of Well: 50 gallons per minute

Aquifer: Trinity (Paluxy) Aquifer

3. Public Comment on the Production Permit Application (verbal comments limited to three (3) minutes each).
4. Consider and act upon the Production Permit Application, including designation of parties and/or granting or denying the Production Permit Application in whole or in part, as applicable.
5. Adjourn or continue permit hearing.

Board Meeting

The regular Board Meeting will begin upon adjournment of the above noticed Permit Hearing.

Notice is hereby given that the Board of Directors of the North Texas Groundwater Conservation District ("District") may discuss, consider, and take all necessary action, including expenditure of funds, regarding each of the agenda items below:

Agenda:

1. Pledge of Allegiance and Invocation.
2. Call to order, establish quorum; declare meeting open to the public.
3. Public comment.
4. Consider and act upon approval of the minutes from the October 8, 2019, Board meeting.
5. Consider and act upon approval of invoices and reimbursements, Resolution No. 2019-11-12-01.
6. Receive reports from the following Committees*:
 - a. Budget and Finance Committee
 - 1) Receive Monthly Financial Information
7. Discussion and possible action on assisting the Texas Department of Licensing and Regulation with fulfilling their duties consistent with their Memorandum of Understanding with the Texas Commission on Environmental Quality.
8. Update and possible action regarding the process for the development of Desired Future Conditions (DFCs).
9. Consider and act upon compliance and enforcement activities for violations of District rules.
10. General Manager's Report: The General Manager will update the board on operational, educational and other activities of the District.
 - a. District's Disposal/Injection Well Program
 - b. Monitoring Well Equipment
 - c. Bonding Summary
 - d. Setting aside funds for District Vehicle
 - e. Well Registration Summary
11. Review and discuss permitting criteria required for determination of permitted production volumes.
12. Open forum / discussion of new business for future meeting agendas.
13. Adjourn public meeting.

* Reports from District standing committees will include a briefing by each committee for the Board on the activities of the committee, if any, since the last regular Board meeting.

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time.

These public meetings are available to all persons regardless of disability. If you require special assistance to attend the meeting, please call (855) 426-4433 at least 24 hours in advance of the meeting to coordinate any special physical access arrangements.

For questions regarding this notice, please contact Velma Starks at (855) 426-4433, at ntgcd@northtexasgcd.org, or at 5100 Airport Drive, Denison, TX 75020.

At any time during the meeting or work session and in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, the North Texas Groundwater Conservation District Board may meet in executive session on any of the above agenda items or other lawful items for consultation concerning attorney-client matters (§551.071); deliberation regarding real property (§551.072); deliberation regarding prospective gifts (§551.073); deliberation regarding personnel matters (§551.074); deliberation regarding security devices (§551.076); and deliberation regarding cybersecurity (§551.089). Any subject discussed in executive session may be subject to action.

ATTACHMENT 4

MINUTES OF THE BOARD OF DIRECTORS' BOARD MEETING AND PUBLIC HEARING
NORTH TEXAS GROUNDWATER CONSERVATION DISTRICT

TUESDAY NOVEMBER 12, 2019

PILOT POINT ISD ADMINISTRATION OFFICE
829 S. HARRISON ST/
PILOT POINT, TEXAS 76258

Members Present: Ryan Henderson, Lee K. Allison, Thomas Smith, Joe Helmberger, David Flusche, and Evan Groeschel

Members Absent: Ronny Young, Allen Knight, and Ron Sellman

Staff: Drew Satterwhite, Paul Sigle, Wayne Parkman, Carolyn Bennett, and Velma Starks

Visitors: Kristen Fancher, Fancher Legal
Peter M. Schulmeyer, Collier Consulting
Dale Chepulis, Double D Drilling
Tim Long, Billingsley Water Manager
Jason Flynt, Barco Well Service

Permit Hearing

Agenda:

1. Call to Order; establish quorum; declare hearing open to the public; introduction of Board.

President Thomas Smith called the permit hearing to order at 10:02 a.m.

2. Review the Production Permit Applications of:

Applicant: CADG Erwin Farms LLC; 520 Central Parkway E, Ste 104, Plano, TX 75074

Location of Well: 3533 County Road 164, McKinney, TX 75071; Latitude: 33.244497°N Longitude: 96.655106°W; located approx. 900 feet south of County Road 164 about ½ mile east of the County Road 1006 and County Road 164 intersection

Purpose of Use: Filling Pond(s)/Other Impoundment(s)

Requested Amount of Use: 4,333,818 gallons per year

Production Capacity of Well: 25 gallons per minute

Aquifer: Woodbine Aquifer

General Manager Drew Satterwhite reviewed the permit with the Board. The Board held a detailed discussion. Board Member Ryan Henderson made a motion to approve the permit as is. Joe

Helmberger seconded the motion. David Flusche voted against the permit being approved. The motion passed with a vote of 5 for and 1 against.

Applicant: FAB 5 Management, LLC; 9040 Hawley Drive, Fort Worth, TX 76244
Location of Well: FM 1171, Flower Mound, TX 75022; Latitude: 33.046528°N Longitude: 97.172639°W; located approx. 400 feet north of the Pochontas Drive and FM 1171 intersection
Purpose of Use: Irrigation and Filling Pond(s)/Other Impoundment(s)
Requested Amount of Use: 11,680,000 gallons for 2020; 5,840,000 gallons per year thereafter
Production Capacity of Well: 170 gallons per minute
Aquifer: Trinity (Paluxy) Aquifer

General Manager Drew Satterwhite reviewed the permit with the Board. The Board held a detailed discussion. Joe Helmberger made the motion to approve the permit. Ryan Henderson seconded the motion. David Flusche voted against the permit being approved. The motion passed with a vote of 5 for and 1 against.

Applicant: Pulte Homes of Texas, LP; 9111 Cypress Waters Blvd. Ste 100, Coppell, TX 75019
Location of Well: Latitude: 33.189955°N Longitude: 97.061329°W; located approx. ½ mile south of the East McKinney Street and South Trinity Road intersection
Purpose of Use: Construction in 2020 and Irrigation thereafter
Requested Amount of Use: 8,970,000 gallons for 2020; 2,970,000 gallons per year thereafter
Production Capacity of Well: 45 gallons per minute
Aquifer: Trinity (Antlers) Aquifer

General Manager Drew Satterwhite reviewed the permit with the Board. After a brief discussion the Board approved the motion. Board Member Joe Helmberger made the motion to approve the permit. Board Member Lee K. Allison seconded the motion. The motion passed unanimously.

3. **Public Comment on the Production Permit Applications.**

There were no public comments.

4. **Consider and act upon the Production Permit Applications, including designation of parties and/or granting or denying the Production Permit Applications in whole or in part, as applicable.**

The permits were voted on individually after each one was reviewed.

5. **Adjourn or continue permit hearing.**

Board President Thomas Smith adjourned the permit hearing at 10:49 a.m.

Board Meeting

1. **Pledge of Allegiance and Invocation**

Board Member Joe Helmberger led the group in the Pledge of Allegiance and Board president Thomas Smith provided the invocation.

2. Call to order, establish quorum; declare meeting open to the public

President Thomas Smith called the meeting to order 10:50 a.m., established a quorum was present, and declared the meeting open to the public.

3. Public Comment

There were no public comments.

4. Consider and act upon approval of the minutes from the October 8, 2019, Board meeting.

Board President Thomas Smith asked for approval of the minutes from the October 8, 2019 meeting. Board Member Joe Helmberger made the motion to approve the minutes. Board Member David Flusche seconded the motion. Motion passed unanimously.

5. Consider and act upon approval of invoices and reimbursements, Resolution No. 2019-11-12-01.

General Manager Drew Satterwhite reviewed the liabilities with the Board. Board Member Joe Helmberger made the motion to approve Resolution No. 2019-11-12-01. Board Member David Flusche seconded the motion. Motion passed unanimously.

6. Receive reports from the following Committees*:

- a. Budget and Finance Committee
 - 1) Receive Monthly Financial Information

General Manager Drew Satterwhite reviewed the monthly financial information with the Board.

- b. Management Plan Committee
 - 1) Receive Quarterly Report

General Manager drew Satterwhite reviewed the quarterly report with the Board.

7. Consider and act upon authorizing WSP to develop a sample Hydrogeological Report.

General Manager Drew Satterwhite provided background information for the Board. The District now requires a hydrogeological report to be submitted as part of the application process for wells capable of producing 200 gallons per minute or more. The staff has been working with applicants in their development of Hydrogeological Reports and there has been some confusion as to exactly what we are requiring. The staff believes that it would be beneficial to have an example or sample report to provide to applicants so that they can more quickly understand what we are requesting.

This same item was taken to the Red River Groundwater Conservation District Board of

Directors, and approved, at their September 19 meeting. By both Districts participating, it will reduce the costs by almost 50%. James Beach with WSP believes a report could be developed for each District at a cost of \$5,000 per District if costs are shared. This report could be amended as necessary. Board Member Joe Helmberger made the motion to have WSP develop a sample hydrogeological report. Board Member Evan Groeschel seconded the motion. Motion passed unanimously.

8. Consider and act upon 2020 Administrative Services Contract with Greater Texoma Utility Authority.

General Manager Drew Satterwhite provided the Board with background information. In November 2010, the District and GTUA entered into an agreement for administrative services to be provided by GTUA for the District. The Board of Directors of GTUA has continued to indicate their satisfaction with the outcome of the agreement. This agreement is scheduled to be considered at GTUA's November 18, 2019 Board meeting. The District operates with some of the lowest production fees in the region. This scope of services remains the same as the contract executed for 2019. The budgeted amounts identified in the contract are consistent with the 2020 budget adopted by the District. The Board asked if this contract could be changed to a 5-year contract. The Board then directed the staff and legal counsel to look at a 5-year option for next year. Board Member Ryan Henderson made the motion to approve the contract. Board Member Evan Groeschel seconded the motion. Motion passed unanimously.

9. Update and possible action regarding the process for the development of Desired Future Conditions (DFCs).

General Manger Drew Satterwhite informed the Board that the GMA 8 meeting will be held on Friday, November 22, 2019.

10. Consider and act upon compliance and enforcement activities for violations of District's Rules.

a. C Miller Drilling

General Manager Drew Satterwhite informed the Board that this item will be discussed at a future meeting.

b. THI Water Well

General Manager Drew Satterwhite informed the Board that THI Water Well has previously drilled a well without a permit. This is their second time for second major violation which results in a \$2,000.00 fine. Board Member Joe Helmberger made the motion to fine THI Water Well in the amount of \$2,000.00. Board Member Ryan Henderson seconded the motion. Motion passed unanimously.

11. General Manager's Report: The General Manager will update the board on operational, educational and other activities of the District.

a. Update on Monitoring Well Equipment

General Manager Drew Satterwhite showed the Board the equipment that was

purchased.

b. Update on District Truck

General Manager Drew Satterwhite informed the Board that the F150 2011 truck was sold.

c. Update on Well Plugging

General Manager Drew Satterwhite informed the Board that the staff went out and watched another district plug shallow wells. Staff believes we could plug a 200 foot wells at a cost of \$300-500 per well. TDLR requires casing to be cut at ground level. This will be further discussed at a later date with the plugging committee.

d. Well Registration Summary

General Manager Drew Satterwhite informed the Board that 30 wells were registered.

e. Update on Rules and Management Plan amendment timeline

General Manager Drew Satterwhite informed the Board that a Public Hearing would be schedule for February or March.

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

No Board meeting will be held in December.

13. Adjourn public meeting

Board President Thomas Smith declared the meeting adjourned at 11:41 a.m.

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Recording Secretary

Secretary-Treasurer

ATTACHMENT 5

RESOLUTION NO. 2019-12-10-01

A RESOLUTION BY THE BOARD OF DIRECTORS OF THE NORTH TEXAS GROUNDWATER
CONSERVATION DISTRICT AUTHORIZING PAYMENT OF ACCRUED LIABILITIES FOR THE
MONTH OF NOVEMBER

The following liabilities are hereby presented for payment:

<u>Administrative Services</u>	<u>Amount</u>
GTUA - November 2019	31,325.69
<u>Consultant</u>	
WSP - Hydro-Geo Services through October 2019	11,493.93
<u>Direct Costs</u>	
NexTraq - November GPS Tracking	39.95
<u>Dues & Subscriptions</u>	
Texas Water Conservation Association - 2020 annual dues	358.00
<u>GMA-8</u>	
Cleburne Conference Center - GMA8 Room rental for February meeting	270.00
WSP - GMA8 Groundwater planning effort through October 2019	900.00
<u>Legal</u>	
Fancher Legal - October 2019 General Legal Services	2,968.00
<u>Legal-Injection Well Monitoring</u>	
Sledge Law - November 2019 services (no services for Sept-Oct)	550.45
<u>Meetings & Conferences</u>	
Pilot Point ISD - BOD Room Rental	75.00
<u>Software Maintenance</u>	
Aquaveo - November well database maintenance	500.00
<u>Well Production</u>	
Ricky Cox - Driller Deposit Refund	100.00
Benton Beaty - Driller Deposit Refund	100.00
Midway 380 LLC - Driller Deposit Refund	100.00
Chris Wagner - Driller Deposit Refund	100.00
GRAND TOTAL:	\$ 48,881.02

On motion of _____ and seconded by

the foregoing Resolution was passed and approved on this, the 10th day of December, 2019 by the following vote:

AYE:
NAY:

President

Secretary/Treasurer

ATTACHMENT 6

Balance Sheet

For General Fund (00)

November 30, 2019

Assets

00-01-10001	Checking Account	203,121.89
00-01-10005	Index Account	6,686.91
00-01-10008	Cash- TexStar	87,467.38
00-01-10010	Investments	1,550,000.00
00-01-10025	Accounts Receivable	140,212.41
00-01-10026	Allowance for Uncollectible Accounts	(15,500.00)
00-01-10050	A/R 440 Ranch	1,500.00
00-01-10070	A/R Liens - Strittmatter Irrigation	14,000.00
00-01-10071	A/R C Miller Drilling	600.00
00-01-12001	PP Expense	3,105.25
	Total	<u>1,991,193.84</u>
	Total Assets	<u>\$ 1,991,193.84</u>

Liabilities and Fund Balance

00-01-23100	Accounts Payable	73,035.88
00-01-23150	Well Drillers Deposits	36,650.00
	Total	<u>109,685.88</u>
	Total Liabilities	<u>109,685.88</u>
00-01-35100	Fund Balance	1,292,708.63
00-01-35110	Current Year Excess of Revenue over Expenses	526,943.69
	Total	<u>1,819,652.32</u>
	Excess of Revenue Over Expenditures	61,855.64
	Total Fund Balances	<u>1,881,507.96</u>
	Total Liabilities and Fund Balances	<u>\$ 1,991,193.84</u>

North Texas Groundwater Conservation District
Statement of Revenue and Expenditures

12/6/2019 2:27pm

Revised Budget
 For General Fund (00)
 For the Fiscal Period 2019-11 Ending November 30, 2019

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Revenues					
00-01-46001 Well Production Fees	\$ 0.00	\$ 0.00	\$ 686,000.00	\$ 545,614.89	20.46%
00-01-46003 Well Registration Fees	1,666.67	600.00	20,000.00	11,600.00	42.00%
00-01-46010 GMA8 Fees	1,666.67	0.00	20,000.00	9,430.18	52.85%
00-01-46015 Late Fees	0.00	(2.90)	0.00	9,719.81	0.00%
00-01-46016 Penalty and Fines	0.00	0.00	0.00	1,000.00	0.00%
00-01-46050 Sale of Asset	0.00	8,010.50	0.00	8,010.50	0.00%
00-01-46100 Interest Inc	250.00	144.99	3,000.00	25,384.71	(746.16%)
Total General Fund Revenues	\$ 3,583.34	\$ 8,752.59	\$ 729,000.00	\$ 610,760.09	16.22%
Expenditures					
00-01-77012 Admin-Mileage	\$ 250.00	\$ 334.97	\$ 3,000.00	\$ 2,156.55	28.12%
00-01-77013 Admin-Secretarial	2,083.33	1,218.00	25,000.00	16,772.00	32.91%
00-01-77014 Admin-Project Coordinator	1,666.67	795.00	20,000.00	13,422.25	32.89%
00-01-77015 Admin-GM	5,000.00	5,512.00	60,000.00	57,668.00	3.89%
00-01-77016 Admin-Clerical	2,833.33	1,040.00	34,000.00	32,006.00	5.86%
00-01-77025 Accounting	2,083.33	4,698.00	25,000.00	31,041.00	(24.16%)
00-01-77027 Auditing	458.33	0.00	5,500.00	5,400.00	1.82%
00-01-77030 Advertising	166.67	0.00	2,000.00	1,098.20	45.09%
00-01-77050 Banking Fees	0.00	0.00	0.00	35.00	0.00%
00-01-77150 Consulting- Hydrogeo	5,000.00	0.00	60,000.00	64,903.29	(8.17%)
00-01-77325 Direct Cost	350.00	987.60	4,200.00	5,898.09	(40.43%)
00-01-77450 Dues & Subscription	250.00	0.00	3,000.00	2,078.00	30.73%
00-01-77480 Equipment	833.33	0.00	10,000.00	29,180.05	(191.80%)
00-01-77485 Equipment-Database	833.33	0.00	10,000.00	0.00	100.00%
00-01-77500 Fees-GMA8	1,833.33	941.56	22,000.00	18,359.69	16.55%
00-01-77550 Field Tech	10,416.67	9,116.00	125,000.00	110,234.85	11.81%
00-01-77560 Field Permitting/Geologist	5,833.33	5,819.00	70,000.00	54,993.00	21.44%
00-01-77650 Fuel/Maintenance	291.67	377.48	3,500.00	2,741.96	21.66%
00-01-77800 Injection Well Monitoring	58.33	0.00	700.00	430.60	38.49%
00-01-77810 Insurance	385.17	443.61	4,622.00	4,239.23	8.28%
00-01-77970 Legal	4,166.67	0.00	50,000.00	24,481.80	51.04%
00-01-77975 Legal-Injection	1,250.00	550.45	15,000.00	35,413.08	(136.09%)
00-01-77980 Legal-Legislation	1,250.00	0.00	15,000.00	15,000.00	0.00%
00-01-78010 Meetings & Conferences	541.67	445.53	6,500.00	5,237.78	19.42%
00-01-78310 Rent	200.00	200.00	2,400.00	2,200.00	8.33%
00-01-78600 Software Maint	416.67	550.00	5,000.00	8,554.49	(71.09%)
00-01-78610 Telephone	200.00	275.50	2,400.00	3,274.18	(36.42%)
00-01-78780 Well Monitoring/Testing	375.00	0.00	4,500.00	2,085.36	53.66%
Total General Fund Expenditures	\$ 49,026.83	\$ 33,304.70	\$ 588,322.00	\$ 548,904.45	6.70%
General Fund Excess of Revenues Over Expenditures	\$ (45,443.49)	\$ (24,552.11)	\$ 140,678.00	\$ 61,855.64	56.03%

ATTACHMENT 7



AGENDA COMMUNICATION

DATE: December 6, 2019

SUBJECT: AGENDA ITEM NO. 7

DISCUSSION AND POSSIBLE ACTION ON ASSISTING THE TEXAS DEPARTMENT OF LICENSING AND REGULATION WITH FULFILLING THEIR DUTIES CONSISTENT WITH THEIR MEMORANDUM OF UNDERSTANDING WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

ISSUE

The Texas Department of Licensing and Regulation (“TDLR”) has requested that the District memorialize their commitment to helping them fulfill their obligations of a Memorandum of Understanding with the Texas Commission on Environmental Quality (“TCEQ”).

BACKGROUND

On November 22, 2019 the District received a letter from the TDLR requesting that the District adopt a resolution memorializing the District’s willingness to coordinate with the TDLR on abandoned well complaints. The Memorandum of Understanding was executed in 2005 and following it’s execution, the TDLR sent a similar letter to all Groundwater Conservation Districts that existed at that time.

Due to funding limitations, the TDLR water well division only has 2 staff members who perform field work. As a statewide regulatory agency, they have a very large area to cover with only 2 field staff members. Since the District began operation, we have maintained a good working relationship with the TDLR and we already work together on many issues including abandoned wells.

CONSIDERATIONS

Based upon verbal conversations with Mr. David Gunn, Manager of the Water Well Division, they are simply requesting a resolution expressing our willingness to continue working with them to help inspect water well issues that may arise and report back to them.

STAFF RECOMMENDATIONS

The staff recommends that the Board adopt a resolution expressing our intent to cooperate with the TDLR and TCEQ Memorandum of understanding.

ATTACHMENTS

Letter From TDLR
Memorandum of Understanding
District Resolution

PREPARED AND SUBMITTED BY:

Drew Satterwhite, P.E., General Manager



TEXAS DEPARTMENT OF LICENSING & REGULATION

P.O. Box 12157 • Austin, Texas 78711-2871 • www.tdlr.texas.gov
(512) 334-5540 • FAX (512) 463-8616 • water.well@tdlr.texas.gov

November 22, 2019

Mr. Drew Satterwhite, General Manager
North Texas Groundwater Conservation District
P.O. BOX 508
Gainesville, Texas 76241

Re: Texas Occupations Code § 1901.257 Memorandum of Understanding (MOU) between the Texas Department of Licensing and Regulation (Department), the Texas Commission on Environmental Quality (TCEQ) and Groundwater Conservation Districts (GCD).

Dear Mr. Satterwhite:

The Department invites you to join the MOU and to adopt a resolution joining with the Department and TCEQ to address abandoned wells in Texas and protect a precious resource, groundwater. The MOU was developed to coordinate efforts between the groundwater conservation districts, the Department, and TCEQ to coordinate investigative procedures for referrals of complaints regarding abandoned and/or deteriorated wells.

These wells not only serve as conduits or channels for contamination to reach groundwater but can also be a hazard to human and animal life. A previous invitation was mailed out to all GCDs in 2005 after the statute was enacted, however since then more districts have been added. The department would now like your district to join with the department to abate abandoned wells.

Property owners who possess abandoned and/or deteriorated wells are the responsible party for either plugging or bringing the wells into compliance with 16 Texas Administrative Code (TAC) § 76.100 well construction specifications. The Department looks forward to working with the district in the process of abandoned/deteriorated well investigation, identification, and compliance assurance.

The Department is dedicated to working with the districts, industry, regulatory agencies, and the public to insure protection and conservation of the groundwater of the state and the effects to the welfare, property, economy, and security of the public relating to well drilling, water well pump installation, and well plugging activities. Any questions concerning this matter should be directed to the Water Well Driller/Pump Installer Section at 512/334-5539 or by email at David.Gunn@tdlr.texas.gov.

Sincerely,

David Gunn, Manager
Water Well Driller/Pump Installer Section
Regulatory Program Management Division
TDLR

Attachment: MOU

RESOLUTION NO. 2019-12-05-02

A RESOLUTION BY THE BOARD OF DIRECTORS OF THE NORTH TEXAS GROUNDWATER CONSERVATION DISTRICT RELATING TO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF LICENSING AND REGULATION

WHEREAS, the North Texas Groundwater Conservation District ("District") was created by an Act of the 81st Texas Legislature in 2009;

WHEREAS, the District has the responsibility of protecting groundwater quality within the aquifers of the District;

WHEREAS, the Texas Department of Licensing and Regulation ("TDLR") was created in 1909;

WHEREAS, the TDLR began regulating Water Well Drilling in 1997 through a transfer from the Texas Natural Resource Conservation Commission;

WHEREAS, the TDLR enforces compliance relating to abandoned wells consistent with the Texas Occupations Code, Section 1901.255 and 1901.256;

WHEREAS, the TDLR has requested the District's cooperation with a Memorandum of Understanding between the TDLR and Texas Commission on Environmental Quality related to inspections and investigations of abandoned wells, which is attached hereto as Exhibit "A"; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTH TEXAS GROUNDWATER CONSERVATION DISTRICT AS FOLLOWS:

1. The above recitals are true and correct and are incorporated herein for all purposes.
2. The District is committed to assisting the TDLR with its mission related to investigations/inspections of abandoned wells as may be requested by the TDLR in the future, to the extent that District staff resources and time allows the District to assist in such a manner.
3. The District's staff is further authorized to take any and all actions necessary to implement this Resolution.

Upon motion by _____, seconded by _____, the foregoing Resolution was passed and approved on this 10th day of December, 2019 by the following vote:

AYE:

NAY:

ABSTAIN:

At a meeting of the Board of Directors of the North Texas Groundwater Conservation District.

President

ATTEST:

Secretary-Treasurer

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE TEXAS DEPARTMENT OF LICENSING AND REGULATION

AND

THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

ARTICLE I. RECITALS

Pursuant to Senate Bill 279 (78th Legislature, 2003), Section 19.015, which created Section 1901.257(b), Texas Occupations Code, the Texas Department of Licensing and Regulation (TDLR) and the Texas Commission on Environmental Quality (TCEQ) shall enter into a Memorandum of Understanding (MOU) to coordinate the efforts of the TDLR, the field offices of the TCEQ, and groundwater conservation districts (GCDs), relating to investigative procedures for referrals of complaints regarding abandoned and/or deteriorated wells.

Pursuant to Senate Bill 279 (78th Legislature, 2003), Section 19.015, which created Section 1901.257(c), Texas Occupations Code, GCDs in which an abandoned and/or deteriorated well is located shall join the Memorandum of Understanding adopted under Section 1901.257(b). In addition, GCDs may enforce compliance with Texas Occupations Code Section 1901.255 related to abandoned and/or deteriorated wells located in the boundaries of the district.

Therefore, pursuant to the above referenced sections of Texas Occupations Code Chapter 1901 and in compliance with authority granted by the Interagency Cooperation Act, TEX. GOVT. CODE ANN. § 771.003, the TDLR and TCEQ enter into this MOU to coordinate efforts related to investigative procedures for referrals of complaints regarding abandoned and/or deteriorated wells. Each GCD in which an abandoned and/or deteriorated well is located is required by Texas Occupations Code, Section 1901.257(c) to join this MOU. Such joinder is established by submission to the TDLR at P.O. Box 12157, Austin, TX 78711, of a copy of appropriate GCD Board action indicating that the GCD has joined this MOU and understands its responsibilities under the MOU and Chapter 1901 of the Texas Occupations Code.

ARTICLE II. TDLR RESPONSIBILITIES

- A. Investigate abandoned and/or deteriorated well complaints, including referrals received from the TCEQ regional field offices, unless the complaint is being investigated by a GCD in coordination with TDLR staff.
- B. Enforce compliance with Section 1901.255 related to persons possessing abandoned and/or deteriorated wells.
- C. Coordinate investigation and enforcement efforts with appropriate GCD for any complaints regarding wells located within the boundaries of a GCD.
- D. When abandoned and/or deteriorated wells are observed while conducting field investigations inside the boundaries of a GCD, a reasonable effort to obtain the landowners' name, mailing address, and latitude and longitude of the well shall be made, and such information shall be referred to the General Manager of the appropriate GCD for investigation and possible enforcement action to assure compliance with Section 1901.255 related to persons possessing abandoned and/or deteriorated wells.

E. When an abandoned and/or deteriorated well complaint is received, TDLR will determine if the well is located within a GCD boundaries and provide a referral to the General Manager of the appropriate GCD for investigation and possible enforcement action to assure compliance with Section 1901.255 related to persons possessing abandoned and/or deteriorated wells.

F. Provide training and technical assistance to GCD staff and TCEQ Field Operations staff on field recognition of an abandoned and/or deteriorated well.

G. Annually report to TCEQ the status of all complaints provided to the TDLR under this MOU and the number of wells closed as a result of TCEQ abandoned and/or deteriorated well complaint referrals.

ARTICLE III. TCEQ RESPONSIBILITIES

A. When suspected abandoned and/or deteriorated wells are observed by Field Operations staff while conducting field investigations, information to allow for identification of the well, which may include: the landowners' name, physical address, and latitude and longitude of the well; shall be referred to the TDLR Compliance Division, Water Well Driller/Pump Installer Section. TCEQ field operation staff shall make a reasonable effort to obtain information needed for the identification of any abandoned and/or deteriorated well.

B. Provide updated list of GCDs as they are confirmed, including boundaries and the name and address of district contacts such as the General Manager.

ARTICLE IV. GCD RESPONSIBILITIES

A. When a GCD receives a referral from the TDLR of an abandoned and/or deteriorated well, the GCD shall respond within 14 calendar days informing the TDLR as to whether the GCD will investigate the referral.

B. After the GCD has been notified by the TDLR or becomes aware of an abandoned and/or deteriorated well, the GCD may:

1. Investigate the complaint of an abandoned and/or deteriorated well within the boundaries of the GCD; and

2. Enforce compliance with Texas Occupations Code, Section 1901.255 related to landowners that have an abandoned and/or deteriorated well located on their property.

C. A GCD that performs an investigation related to an abandoned and/or deteriorated well referred to the GCD by TDLR shall notify the TDLR regarding the disposition of the investigation.

D. Any GCD enforcement under Texas Occupations Code, Sections 1901.255 and 1901.256, may be coordinated with the TDLR.

E. A GCD may communicate with the TDLR regarding any phase of the investigation or enforcement action.

ARTICLE V. REFERRAL AND INVESTIGATION REQUIREMENTS

A. For the purposes of this MOU, a "referral" shall constitute information gathered, compiled, and forwarded to the TDLR. Written referrals via email or letter shall utilize the appropriate form, provided by TDLR, and document information on the abandoned and/or deteriorated well, which may include:

- (1) the name of landowner possessing the abandoned and/or deteriorated well,
- (2) the physical address of said landowner,
- (3) the latitude and longitude of the abandoned and/or deteriorated well, and
- (4) if possible, a photograph of the well.

B. Following the receipt of a referral from TCEQ, the TDLR will begin landowner notification procedures or follow up investigation or, if the well is inside the boundaries of a GCD, provide a referral to the General Manager of the corresponding GCD for investigation and possible enforcement action to assure compliance with Section 1901.255 related to persons possessing abandoned and/or deteriorated wells.

C. Referrals to TDLR should be sent to:

Water Well Driller/Pump Installer Section
Compliance Division
TDLR
Phone: 512/463-7880
Fax: 512/463-8616
Email: water.well@license.state.tx.us

ARTICLE VI. TERM

The term of this MOU shall be from the date both the TDLR and TCEQ adopt the MOU by rule. The TCEQ or TDLR may for any reason terminate this MOU upon thirty days notice to the other agency.

ARTICLE VII. SEVERABILITY

Should any provision of this MOU be held to be null, void, or for any reason without force or effect, such provision shall be construed as severable from the remainder of this document and shall not affect the validity of all other provisions, which shall remain in full force and effect.

ARTICLE VIII. AMENDMENT

This MOU may be amended through rulemaking proposal and adoption at any time by mutual consent of the TCEQ and the TDLR.

TEXAS DEPARTMENT OF LICENSING AND REGULATION

Signature: William H. Kuntz Jr

Printed Name and Title: William H. Kuntz Jr Executive Director

Date: 3/2/05

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Signature: [Signature]

Printed Name and Title: Executive Director TCEQ

Date: March 10, 2005

ATTACHMENT 10

North Texas Groundwater Conservation District

Well Registration Summary
As of November-30-2019

Well Type	Total Registered Collin County	Total Registered Cooke County	Total Registered Denton County	Total NTGCD	New Registrations since Oct-31-2019
Agriculture	8	12	40	60	0
Commercial / Small Business	7	8	36	51	0
Domestic Use (household / lawn watering at residence)	81	428	757	1267	14
Filling a pond or other surface impoundment**	49	13	98	161	0
Golf course irrigation	15	2	21	38	0
Industrial / Manufacturing	8	11	8	28	0
Irrigation	91	4	177	272	1
Leachate	0	0	0	0	0
Livestock Watering	7	68	55	130	0
Monitoring	0	0	0	0	0
Municipal / Public Water System	34	75	232	342	0
Other	11	7	35	53	0
Piezometer	0	0	0	0	0
Poultry	0	0	0	0	0
Solely to supply water for rig actively***	1	1	7	9	0
Supplying water for oil or gas production*	0	6	61	67	0
Not Specified	18	9	44	71	1
SUM	330	644	1571	2549	16

ADJOURN