



**NOTICE OF MEETING AND PUBLIC HEARING OF THE  
BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

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**Thursday, October 12, 2023**

**5:00 PM**

**IN-PERSON**

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Notice is given that a **Regular Meeting and Public Hearing** of the Board of Directors (Board) of the Barton Springs/Edwards Aquifer Conservation District will be held on **Thursday, October 12, 2023** commencing at **5:00 p.m.** at the **District office, located at 1124 Regal Row, Austin, Texas.**

This meeting will be audio recorded and the recording will be available on the District's website after the meeting.

Public Comments at the Board Meeting – Please complete a comment card prior to the start of the meeting. Each registered person will be recognized and identified by the Presiding Officer or staff moderating the communications when it is their turn to speak. **Public comment is limited to 3 minutes per person.**

#### **AGENDA**

Note: The Board of Directors of the Barton Springs/Edwards Aquifer Conservation District reserves the right to meet in Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code Sections §551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Homeland Security). No final action or decision will be made in Executive Session.

- 1. Call to Order.**
- 2. Citizen Communications (Public Comments of a General Nature).**
- 3. Consent Agenda.** *(Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as a separate item of Regular Business on this agenda.)*
  - a. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000. **Pg. 4**
  - b. Approval of minutes of the Board's September 14, 2023, Regular Meeting. **Not for public review at this time**
- 4. General Manager's Report. Discussion and possible action.**  
**Topics**
  - a. Review of key team activities/projects. **Pg. 28**
  - b. Aquifer status update.

c. Upcoming events of possible interest.

**5. Public Hearing.**

The Public Hearing concerns proposed revisions to the District Rules and Bylaws related generally to: Registration, Authorization, and Permits; Exempt Wells; Drought including enforcement; Notice and Hearing Process; Emergency Approvals; Timing of Drought Notification; Regulatory Fees; Reserve Accounts; Hearing Continuance; Request for Rehearing or Finding of Fact and Conclusions of Law; Decision when Final after a Contested Case before SOAH; Rules of Procedure for Rulemaking; Conflict of Interest; and Well Construction Standards. **Pg. 42**

**6. Discussion and possible action.**

- a. Discussion and possible action related to approval of the proposed revisions to the District Rules and Bylaws. **Pg. 42**
- b. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments. **NBU**
- c. Discussion and possible action related to a Report of Investigation, Notice of Alleged Violation, and Draft Agreed Order for initiation and resolving enforcement proceeding concerning Tindol Restaurant Group's failure to reduce pumping during District declared drought. **NBU**
- d. Discussion and possible action related to the overpumpage of authorized annual permitted volume by District permittees, 1) Aqua Texas Bliss Spillar, 2) Hays City Holdings, 3) Roy Seiders, and 4) Stripe-Susser Corp./7-Eleven. **NBU**
- e. Discussion and possible action related to a moratorium on accepting new permit applications. **NBU**
- f. Discussion and possible action on declaring Stage IV Exceptional Drought. **NBU**
- g. Discussion and possible action on a potential second meeting of the Board of Directors on the fourth Thursday of the month. **NBU**

**7. Director Reports.**

Directors may report on their involvement in activities and dialogue that are of likely interest to the Board, in one or more of the following topical areas:

- Meetings and conferences attended or that will be attended;
- Board committee updates;
- Conversations with public officials, permittees, stakeholders, and other constituents;
- Commendations; and
- Issues or problems of concern.

**8. Adjournment.**

**Please note:** This agenda and available related documentation, if any, have been posted on the District website, [www.bseacd.org](http://www.bseacd.org). If you have a special interest in a particular item on this agenda and would like any additional documentation that may be developed for Board consideration, please let staff know at least 24 hours in advance of the Board Meeting so that we can have those copies made for you. The Barton Springs/Edwards Aquifer Conservation District is

**Item 1**

**Call to Order**

## **Item 2**

### **Citizen Communications**

## **Item 3**

### **Consent Agenda**

*(Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as a separate item of Regular Business on this agenda.)*

- a. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**
- b. Approval of minutes of the Board's September 14, 2023, Regular Meeting.**

## **Financial Reports – August 2023**

**October 12, 2023 Board Meeting**

(These reports cover all twelve months of FY 2023)

**1. Profit and Loss Budget vs Actual**

September 1, 2022 through August 31, 2023

**2. Profit and Loss Previous Year Comparison**

September 1, 2022 through August 31, 2023

**3. Balance Sheet Previous Year Comparison**

As of August 31, 2023 (compared to August 31, 2022)

**4. Check Register – TRUIST Bank Account**

August 1, 2023 through August 31, 2023

**1. Profit and Loss Budget vs Actual**

September 1, 2022 - August 31, 2023

**BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT  
PROFIT AND LOSS - BUDGET VS ACTUAL**

September 1, 2022 - August 31, 2023

	Sept 1, 2022-Aug 31, 2023	Budget	% of Budget	Notes
<b>INCOME</b>				
4400.0 · Interest Income	81,252.32	1,600.00	5,078.27%	For all funds, including TexPool
4625.0 · MISCELLANEOUS INCOME	41,670.73	0.00	100.0%	\$39,875 Intera Database Payment (unbudgeted account by design)
4800.0 · USAGE AND PRODUCTION FEES	1,622,505.53	1,619,554.00	100.18%	Permittees, Co/AWU, Transport, Annual Renewals
4810.0 · OTHER FEES	179,290.78	12,300.00	1,457.65%	Well Development, Applications, DMFs, Pluggings, etc.
				\$74,705 = Aqua and PCS overpumpage, Aqua Bond, & Aqua Enforcement payments; \$63,200 = Agreed Order letter invoices, and \$22,460 = DMFs
<b>TOTAL INCOME</b>	<b>1,924,719.36</b>	<b>1,633,454.00</b>	<b>117.83%</b>	
<b>EXPENSE</b>				
6000.0 · UTILITIES	19,696.47	22,000.00	89.53%	Electricity, Water, Phone, Internet, Smartphone, Telemetry
6005.0 · Print/Copy/Photo Services	2,026.61	2,000.00	101.33%	High percentage due to large envelope order
6007.0 · Postage/Freight/Shipping	1,504.38	2,000.00	75.22%	
6010.0 · Office Supplies	5,968.16	6,000.00	99.47%	
6010.2 · Office Furniture	1,005.63	1,000.00	100.56%	
6011.0 · Comp Hardware-Plotter Supplies	11,953.00	6,000.00	199.22%	Generally meant to cover 2 employee desktop replacements. See IT below.
6014.0 · Software Acquisition & Upgrades	5,535.95	6,000.00	92.27%	
6015.0 · IT Monthly Maintenance	24,676.90	44,100.00	55.96%	See Computer Hardware above
6016.0 · Meeting Expense	3,664.59	4,500.00	81.44%	Includes retirement party
6017.3 · Sponsorships	2,000.00	3,750.00	53.33%	TAGD
6019.0 · Subscriptions/Publications	2,726.81	5,000.00	54.54%	
6020.0 · Advertising	2,567.75	4,000.00	64.19%	
6021.0 · MISCELLANEOUS EXPENSES	2,022.33	0.00	100.0%	Includes monthly bank service charge fees
6022.0 · Accounting System Operation	5,718.16	6,000.00	95.3%	Includes Jourmyx timekeeping software, Quickbooks Subscription, Payroll
6023.0 · MAINTENANCE	28,747.39	31,500.00	91.26%	Includes A/C Repair, Alarm, Landscaping, Janitorial, Brush Removal and Facilities Repairs (that was just amended)
6040.0 · LEASES	9,496.97	9,650.00	98.41%	Copier and Postage Machine
6065.0 · DIRECTOR EXPENSES	1,271.97	2,500.00	50.88%	
6066.0 · Directors Compensation	10,400.00	25,000.00	41.6%	



	Sept 1, 2022-Aug 31, 2023	Budget	% of Budget	Notes
6075.0 · DUES & MEMBERSHIPS	4,975.95	6,100.00	81.57%	
6080.0 · COMMUNICATIONS & OUTREACH	2,710.78	17,050.00	15.9%	
6081.0 · REGULATORY COMPLIANCE	4,497.75	7,500.00	59.97%	
6084.92 · GENERAL MANAGEMENT	563.27	5,000.00	11.27%	
6089.0 · AQUIFER SCIENCE	11,511.52	15,000.00	76.74%	
6095.0 · CONTRACTED SUPPORT	21,888.62	40,750.00	53.71%	New Placement (moved out of Team Budgets)
6100.0 · INSURANCE - DISTRICT	8,191.85	7,047.00	116.25%	Property, Liability, Auto, E&O
6150.0 · INSURANCE - GROUP	111,116.15	150,660.00	73.75%	Employee Health, Dental, Life/Disability, Vision
6160.0 · LEGAL SERVICES	81,312.50	85,000.00	95.66%	General Matters
6170.0 · PROFESSIONAL SERVICES	128,394.46	173,850.00	73.85%	Audit, Database, Retirement Fees, Election
6179.0 · LEGISLATION	36,000.00	36,000.00	100.0%	Legislature was in session
6180.0 · PROFESSIONAL DEVELOPMENT	7,708.28	20,000.00	38.54%	All Teams
6199.0 · SALARIES AND WAGES	817,123.98	852,865.00	95.81%	
6202.0 · Payroll Direct Deposit Expenses	37.54			
6203.0 · TAXES & BENEFITS	93,994.56	128,327.00	73.25%	Includes Payroll Tax, Workers Comp Insurance, Retirement Match
6690.0 · Reconciliation Discrepancies	53.39	0.00	100.0%	Has been reposted and is now -0-
6800.0 · PROJECTS	0.00	17,500.00	0.0%	Sustainability Studies, HCP ILA Commitments
<b>TOTAL EXPENSE</b>	<b>1,471,063.67</b>	<b>1,743,649.00</b>	<b>84.37%</b>	
<b>NET ORDINARY INCOME</b>	<b>453,655.69</b>	<b>-110,195.00</b>		Negative effect to the budget (shortfall), before accounting for the transfers to balance the budget, shown below.
<b>OTHER INCOME</b>				
9000.00 · Transfer from Reserves	0.00	110,200.00	0.0%	
<b>TOTAL OTHER INCOME</b>	<b>0.00</b>	<b>110,200.00</b>	<b>0.0%</b>	\$107,200 FROM General and \$3000 from TexPool Aquifer Reserve (General sub-account).
<b>NET INCOME</b>	<b>453,655.69</b>	<b>5.00</b>		This is the difference between the negative amount in Net Ordinary Income before the transfers in from other accounts, needed to balance the budget.

## **2. Profit and Loss - Previous Year Comparison**

September 1, 2022 – August 31, 2023

**BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT  
PROFIT AND LOSS - PREVIOUS YEAR COMPARISON**

**September 1, 2022 - August 31, 2023**

	Sept 1, 2022 - Aug 31, 2023	Sept 1, 2021 - Aug 31, 2022	\$ Change	% Change
<b>INCOME</b>				
4400.0 · Interest Income	81,252.32	8,010.08	73,242.24	914.38%
4625.0 · MISCELLANEOUS INCOME (includes \$39,875 Intera database payment)	41,670.73	16,865.57	24,805.16	147.08%
4800.0 · USAGE AND PRODUCTION FEES (permitees, CoA, transport, renewals)	1,622,505.53	1,526,935.29	95,570.24	6.26%
4810.0 · OTHER FEES (well development, applications, DMFs, pluggings, penalties) *	179,290.78	18,663.30	160,627.48	860.66%
<b>TOTAL INCOME</b>	<b>1,924,719.36</b>	<b>1,570,474.24</b>	<b>354,245.12</b>	<b>22.56%</b>
<b>EXPENSE</b>				
6000.0 · UTILITIES	19,696.47	19,290.26	406.21	2.11%
6005.0 · Print/Copy/Photo Services	2,026.61	1,978.16	48.45	2.45%
6007.0 · Postage/Freight/Shipping	1,504.38	1,417.03	87.35	6.16%
6010.0 · Office Supplies	5,968.16	5,756.02	212.14	3.69%
6010.2 · Office Furniture	1,005.63	282.45	723.18	256.04%
6011.0 · Comp Hardware-Plotter Supplies	11,953.00	4,613.75	7,339.25	159.07%
6014.0 · Software Acquisition & Upgrades (new-ArcGIS, and Adobe now posts here)	5,535.95	2,345.30	3,190.65	136.04%
6015.0 · IT Monthly Maintenance	24,676.90	17,247.50	7,429.40	43.08%
6016.0 · Meeting Expense (FY 2023 includes retirement party for \$1,859)	3,664.59	1,554.45	2,110.14	135.75%
6017.3 · Sponsorships	2,000.00	0.00	2,000.00	100.0%
6019.0 · Subscriptions/Publications	2,726.81	3,892.53	-1,165.72	-29.95%
6020.0 · Advertising	2,567.75	2,665.34	-97.59	-3.66%
6021.0 · MISCELLANEOUS EXPENSES	2,022.33	716.42	1,305.91	182.28%
6022.0 · Accounting System Operation (includes Journyx timekeeping, QB, and P/R)	5,718.16	4,387.95	1,330.21	30.32%
6023.0 · MAINTENANCE (Office & Auto) \$6400 in FY 2023 for A/C repairs, \$3200 tree	28,747.39	21,782.41	6,964.98	31.98%
6040.0 · LEASES (Copier and Postage Machine)	9,496.97	9,540.72	-43.75	-0.46%
6065.0 · DIRECTOR EXPENSES	1,271.97	1,598.55	-326.58	-20.43%
6066.0 · Directors Compensation	10,400.00	16,050.00	-5,650.00	-35.2%
6075.0 · DUES & MEMBERSHIPS	4,975.95	5,897.63	-921.68	-15.63%
6080.0 · COMMUNICATIONS AND OUTREACH	2,710.78	14,952.21	-12,241.43	-81.87%
6081.0 · REGULATORY COMPLIANCE	4,497.75	2,785.83	1,711.92	61.45%

	Sept 1, 2022 - Aug 31, 2023	Sept 1, 2021 - Aug 31, 2022	\$ Change	% Change
6084.92 · GENERAL MANAGEMENT	563.27	6,238.96	-5,675.69	-90.97%
6089.0 · AQUIFER SCIENCE	11,511.52	23,359.22	-11,847.70	-50.72%
6095.0 · CONTRACTED SUPPORT - used to be under Teams (GSI-Modeling, AAG-HR)	21,888.62	0.00	21,888.62	100.0%
6100.0 · INSURANCE - DISTRICT (Property, Liability, Auto, E&O) **	8,191.85	6,349.23	1,842.62	29.02%
6150.0 · INSURANCE - GROUP (Employee Health, Dental, Life/Disability, Vision)	111,116.15	116,063.82	-4,947.67	-4.26%
6160.0 · LEGAL SERVICES (General Matters, includes \$11,175 Tucker Investigation)	81,312.50	50,842.09	30,470.41	59.93%
6170.0 · PROFESSIONAL SERVICES (Audit, Database, Retirement Fees) ***	128,394.46	55,022.61	73,371.85	133.35%
6179.0 · LEGISLATION (increase is because Lege was in Session)	36,000.00	12,000.00	24,000.00	200.0%
6180.0 · PROFESSIONAL DEVELOPMENT (All Teams)	7,708.28	9,887.86	-2,179.58	-22.04%
6199.0 · SALARIES AND WAGES	817,123.98	802,526.00	14,597.98	1.82%
6202.0 · Payroll Direct Deposit Expenses	37.54	0.00	37.54	100.0%
6203.0 · TAXES & BENEFITS (includes Payroll Taxes and Retirement Match)	93,994.56	117,986.33	-23,991.77	-20.33%
6690.0 · Reconciliation Discrepancies (has been reposted)	53.39	0.00	53.39	100.0%
6800.0 · PROJECTS	0.00	83,000.00	-83,000.00	-100.0%
<b>TOTAL EXPENSE</b>	<b>1,471,063.67</b>	<b>1,422,030.63</b>	<b>49,033.04</b>	<b>3.45%</b>
<b>NET INCOME</b>	<b>453,655.69</b>	<b>148,443.61</b>	<b>305,212.08</b>	<b>205.61%</b>

**CAPITALIZATION INDICATES ACCOUNTS THAT HAVE SUB-CATEGORIES.**

Those sub-categories have been collapsed.

- \* \$74,705 is Aqua and PCSI overpumpage, Aqua bond, and Aqua enforcement payments that did not occur in the previous fiscal year.  
Also included in this total is \$22,460 in DMFs, and \$63,200 in Drought Agreed Orders (3). This income will be transferred to the Aquifer Protection Reserve accounts.
- \*\* FY 2023 includes \$1,188 Crime Policy that renews every 4 years.
- \*\*\* Database in FY 2023 is \$81,000 vs -0- in FY 2022.

### **3. Balance Sheet - Previous Year Comparison**

As of August 31, 2023  
(compared to August 31, 2022)

**BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT  
BALANCE SHEET - PREVIOUS YEAR COMPARISON**

As of August 31, 2023

	August 31, 2023	August 31, 2022	\$ Change	% Change
<b>ASSETS</b>				
<b>Current Assets</b>				
<b>Checking/Savings</b>				
1000.0 · Cash in Bank-Checking Truist	66,581.44	49,108.78	17,472.66	35.58%
1010.0 · Cash in Bank - Payroll Truist	35,049.28	30,970.84	4,078.44	13.17%
1030.0 · TexPool Funds - General				
1030.1 · Aquifer Protection Reserve- Drought Management	53,749.00	56,750.00	-3,001.00	-5.29%
1030.12 · Aquifer Protection Reserve - Well Pluggings (new sub-account)	1.00	0.00	1.00	100.0%
1030.21 · Cash Flow Reserve (to cover unexpected expenses)	175,000.00	175,000.00	0.00	0.0%
1030.0 · TexPool Funds - General - Operational	976,388.52	673,726.69	302,661.83	44.92%
<b>Total 1030.0 · TexPool Funds - General</b>	<b>1,205,138.52</b>	<b>905,476.69</b>	<b>299,661.83</b>	<b>33.09%</b>
1040.0 · TexPool Funds - Contingency	633,061.08	507,328.26	125,732.82	24.78%
1045.0 · TexPool Funds - Reserve (Vacation and Comp payable)	67,730.73	64,885.37	2,845.36	4.39%
<b>Total Checking/Savings</b>	<b>2,007,561.05</b>	<b>1,557,769.94</b>	<b>449,791.11</b>	<b>28.87%</b>
<b>Accounts Receivable</b>				
1200.0 · Accounts Receivable				
1200.1 · A/R DMF Drought Management Fees - invoiced but not yet paid	5,530.00	0.00	5,530.00	100.0%
1200.0 · Accounts Receivable - Permittee Production Fees - invoiced but not paid	1,634.10	14,789.28	-13,155.18	-88.95%
<b>Total 1200.0 · Accounts Receivable</b>	<b>7,164.10</b>	<b>14,789.28</b>	<b>-7,625.18</b>	<b>-51.56%</b>
<b>Total Accounts Receivable</b>	<b>7,164.10</b>	<b>14,789.28</b>	<b>-7,625.18</b>	<b>-51.56%</b>
<b>Other Current Assets</b>				
1100.0 · Petty Cash	300.00	300.00	0.00	0.0%
1300.0 · Pre-paid Expenses	2,212.03	2,355.93	-143.90	-6.11%
<b>Total Other Current Assets</b>	<b>2,512.03</b>	<b>2,655.93</b>	<b>-143.90</b>	<b>-5.42%</b>
<b>Total Current Assets</b>	<b>2,017,237.18</b>	<b>1,575,215.15</b>	<b>442,022.03</b>	<b>28.06%</b>

	August 31, 2023	August 31, 2022	\$ Change	% Change
<b>Fixed Assets</b>				
1400.0 · Field Equipment	376,487.89	376,487.89	0.00	0.0%
1410.0 · Office Equipment & Furniture	19,722.90	19,722.90	0.00	0.0%
1410.1 · Computer Hardware & Software	19,329.69	19,329.69	0.00	0.0%
1420.0 · Vehicles	52,363.03	52,363.03	0.00	0.0%
1430.0 · Accumulated Depreciation	-608,852.24	-608,852.24	0.00	0.0%
1440.0 · Land (Antioch Cave)	165,415.00	165,415.00	0.00	0.0%
1445.0 · Office Building	268,588.04	268,588.04	0.00	0.0%
<b>Total Fixed Assets</b>	<b>293,054.31</b>	<b>293,054.31</b>	<b>0.00</b>	<b>0.0%</b>
<b>Other Assets</b>				
1500.0 · Organizational Costs	300,783.26	300,783.26	0.00	0.0%
1510.0 · Accumulated Amortization	-326,324.26	-326,324.26	0.00	0.0%
1600.0 · Deposits Paid (Utilities)	71.00	71.00	0.00	0.0%
<b>Total Other Assets</b>	<b>-25,470.00</b>	<b>-25,470.00</b>	<b>0.00</b>	<b>0.0%</b>
<b>TOTAL ASSETS</b>	<b>2,284,821.49</b>	<b>1,842,799.46</b>	<b>442,022.03</b>	<b>23.99%</b>
<b>LIABILITIES &amp; EQUITY</b>				
<b>Liabilities</b>				
<b>Current Liabilities</b>				
<b>Credit Cards</b>				
2007.0 · Truist VISA	2,967.23	1,546.53	1,420.70	91.86%
<b>Total Credit Cards</b>	<b>2,967.23</b>	<b>1,546.53</b>	<b>1,420.70</b>	<b>91.86%</b>
<b>Other Current Liabilities</b>				
2005.0 · A/P - created by Auditor	19,281.60	8,850.25	10,431.35	117.87%
2100.0 · Deferred Revenue	75,741.00	75,741.00	0.00	0.0%
2110.0 · Direct Deposit Liabilities	1,035.01	1,035.01	0.00	0.0%
2200.0 · Fica & Medicare Withheld	-3.98	-11.31	7.33	64.81%
2220.0 · Federal Income Tax Withheld	-1,065.01	-1,065.01	0.00	0.0%

	August 31, 2023	August 31, 2022	\$ Change	% Change
2230.0 · Employer Fica & Med Payable	-143.23	-150.56	7.33	4.87%
2250.0 · TWC Unemployment Tax Payable	15.81	2.70	13.11	485.56%
2270.0 · Payroll Liabilities	0.09	0.09	0.00	0.0%
2300.0 · Accrued Vacation Payable	38,279.51	61,792.98	-23,513.47	-38.05%
<b>Total Other Current Liabilities</b>	<b>133,140.80</b>	<b>146,195.15</b>	<b>-13,054.35</b>	<b>-8.93%</b>
<b>Total Current Liabilities</b>	<b>136,108.03</b>	<b>147,741.68</b>	<b>-11,633.65</b>	<b>-7.87%</b>
<b>Total Liabilities</b>	<b>136,108.03</b>	<b>147,741.68</b>	<b>-11,633.65</b>	<b>-7.87%</b>
<b>Equity</b>				
3000.0 · Fund Balance	1,329,630.51	1,181,186.90	148,443.61	12.57%
3000.3 · Invested in Capital Assets	365,127.26	365,127.26	0.00	0.0%
3110.0 · Reserve for Petty Cash	300.00	300.00	0.00	0.0%
Net Income	453,655.69	148,443.61	305,212.08	205.61%
<b>Total Equity</b>	<b>2,148,713.46</b>	<b>1,695,057.77</b>	<b>453,655.69</b>	<b>26.76%</b>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>2,284,821.49</b>	<b>1,842,799.45</b>	<b>442,022.04</b>	<b>23.99%</b>



**4. Check Register**

TRUIST BANK  
August 1 – August 31, 2023

**BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT**  
**MONTHLY CHECK REGISTER**  
**August 1 - August 31, 2023**

Type	Date	Num	Name	Memo	Amount	Balance
Check	08/02/2023	26843	Jan-Pro of Austin	August Janitorial Service	-310.00	56,558.17
Check	08/07/2023	26845	Austin Alliance Group	HR On-Demand July 2023	-869.00	56,248.17
Liability Check	08/08/2023	8082023	United States Treasury	74-2488641 Director Compensation Liability BS	-61.20	55,379.17
Check	08/08/2023	26846	Camp, Justin P.	Tape Measure Reel - Employee Reimbursement	-55.00	55,317.97
Check	08/08/2023	26847	Home Depot	Locks	-34.38	55,228.59
Check	08/08/2023	26848	Quill LLC	Copy Paper, Binder Clips, Pads	-112.88	55,115.71
Check	08/08/2023	26849	LRE Water	Database Services through 6/25/2023	-9,000.00	46,115.71
Check	08/08/2023	26850	LCRA-ELS	Magellan Annual Sampling	-1,656.00	44,459.71
Check	08/08/2023	26851	Charter Communications	Internet Service 7/30/2023 - 8/29/2023	-231.19	44,228.52
Check	08/08/2023	26852	Telco Experts	Phone Service 8/1/2023 - 8/31/2023	-579.95	43,648.57
Deposit	08/09/2023			Deposit - Permittee Production Fees and Applications	19,149.61	62,798.18
Liability Check	08/10/2023	8102023EFT	United States Treasury	74-2488641 Employee Bi-weekly Payroll Liabilities	-7,306.72	55,491.46
Liability Check	08/10/2023	81023EFT	Reliance Trust Company	Employee Bi-weekly Retirement	-3,726.72	51,764.74
Check	08/10/2023	26853	Bickerstaff	Legal General Matters/Personnel 6/15/2023 - 7/15/2023	-7,860.00	43,904.74
Transfer	08/10/2023			Funds Transfer (low funds in checking)	40,000.00	83,904.74
Transfer	08/14/2023			Funds Transfer-Payroll	-20,000.00	63,904.74
Check	08/15/2023	26854	Tammy Raymond	Petty Cash Fund to be Replenished	-232.06	63,672.68
Liability Check	08/16/2023	8162023EFT	United States Treasury	74-2488641 Directors Compensation CW VPW	-76.50	63,596.18
Check	08/16/2023	26855	Pitney Bowes Global	Postage Machine Refill 8/15/2023	-300.00	63,296.18
Check	08/16/2023	26856	Vivint, Inc.	Alarm Monitoring 8/15/2023 through 9/14/2023	-44.89	63,251.29
Check	08/16/2023	26857	First Citizens Bank & Trust	Copier Lease August	-675.00	62,576.29
Check	08/16/2023	26858	LRE Water	Database Services through 7/25/2023	-9,000.00	53,576.29
Check	08/16/2023	26859	GateHouse Media Texas	2nd Budget/Fee Schedule Public Hearing Ad	-251.00	53,325.29
Check	08/16/2023	26860	Ready Refresh	Water Delivery 7/9/2023 through 8/8/2023	-116.83	53,208.46
Check	08/16/2023	26861	Sam's Club	Paper Towels, Cleaning Supplies	-71.42	53,137.04
Check	08/16/2023	26862	Pitney Bowes Global	Postage Machine Lease 9/10/2023 through 12/9/2023	-264.90	52,872.14
Check	08/18/2023	26863	Hlavaty, Shay L	Drone Registration - Reimbursement	-42.25	52,829.89

Type	Date	Num	Name	Memo	Amount	Balance
Check	08/18/2023	26867	Hlavaty, Shay L	TAGD Texas Groundwater Summit per diem SH	-160.00	52,669.89
Check	08/18/2023	26865	Watson, Jeffery A.	TAGD Texas Groundwater Summit per diem JW	-160.00	52,509.89
Check	08/18/2023	26866	Raymond, Tammy A.	TAGD Texas Groundwater Summit per diem TR	-160.00	52,349.89
Check	08/18/2023	26874	Bell-Enders, Kendall	TAGD Texas Groundwater Summit per diem KBE	-160.00	52,189.89
Check	08/18/2023	26868	City of Austin	Water Service 7/11/2023 - 8/9/2023	-21.86	52,168.03
Check	08/18/2023	26869	Quill LLC	Dividers, Paper Clips, Binder Clips	-69.37	52,098.66
Check	08/18/2023	26870	SledgelLaw Group	Legislative Consulting July	-1,000.00	51,098.66
Check	08/18/2023	26871	Fidelity Security Life Insurance	Gap Insurance Premium	-680.23	50,418.43
Liability Check	08/18/2023	26872	AFLAC	Employee-paid Supplemental Insurance	-64.00	50,354.43
Liability Check	08/18/2023	26873	United Healthcare	September Health Insurance	-7,164.17	43,190.26
Transfer	08/21/2023			Funds Transfer (low funds in checking)	50,000.00	93,190.26
Check	08/22/2023	26878	Sun Life Assurance	September Dental/Life/Disability/Vision	-897.69	92,292.57
Deposit	08/22/2023			Deposit - Permittee Production Fees and 2 LPP Applications	13,633.74	105,926.31
Check	08/23/2023	26880	TX State University	Digital Social Media Services TO-1	-1,096.49	104,829.82
Liability Check	08/24/2023	8242023	United States Treasury	74-2488641 Employee Bi-weekly Payroll Liabilities	-7,306.72	97,523.10
Liability Check	08/24/2023	82423	Reliance Trust Company	Employee Bi-weekly Retirement	-3,726.72	93,796.38
Transfer	08/24/2023			Funds Transfer-Additional Pay	-12,000.00	81,796.38
Check	08/24/2023	26881	GSI Environmental	MODFLOW Training and Support - Task Order 5	-40.00	81,756.38
Check	08/24/2023	26882	Wex Bank	Gasoline 7/23/2023 - 8/23/2023	-62.96	81,693.42
Liability Check	08/25/2023	8252023EFT	United States Treasury	74-2488641 Additional Pay Payroll Liabilities	-1,807.11	79,886.31
Liability Check	08/25/2023	82523EFT	Reliance Trust Company	Additional Pay Retirement Liability	-1,170.00	78,716.31
Deposit	08/25/2023			Deposit - One Permittee Letter Invoice Penalty - Agreed Order	12,800.00	91,516.31
Transfer	08/28/2023			Funds Transfer-Payroll	-20,000.00	71,516.31
Check	08/29/2023	26884	Pedernales Electric Coop	August Electricity	-553.32	70,962.99
Check	08/30/2023	26883	in-Situ Inc.	Aqua Troll and Solution	-441.00	70,521.99
Check	08/30/2023	8302023	Intuit	Payable Checks, Deposit Slips, Stamp	-419.37	70,102.62
Check	08/31/2023	26876	SledgelLaw Group	Legislative Services - August	-1,000.00	69,102.62
General Journal	08/31/2023	AJE dcw 002		Balance Adjustment - VISA Payment from Checking Transfer	-2,517.97	66,584.65
Check	08/31/2023			Service Charge	-4.00	66,580.65
Deposit	08/31/2023			Interest	0.79	66,581.44
					10,023.27	66,581.44
					10,023.27	66,581.44

## **Item 4**

### **General Manager's Report Discussion and possible action topics**

#### **Topics**

- a. Review of key team activities/projects.**
- b. Aquifer Status Update**
- c. Upcoming events of possible interest.**

## Summary of October 2023 Team Activities and On Deck for November/December 2023

### **Aquifer Science Team**

#### October Activities:

- BRAAT model technical evaluation and sustainability scenario recommendations.
- Data evaluation for Trinity drought synoptic water level study.
- Field measurements of Barton Springs and Blanco River to verify USGS gauges.
- Planning for second phase of TAS modeling.
- Logistical planning for installation of monitor wells in Zilker and Garrison Parks.
- Evaluation of Buda ASR permit application.
- Lovelady drought trigger well maintenance with USGS.

#### On Deck:

- Barton Springs discharge measurements with USGS and COA.
- Barton Springs geophysical surveys

### **Administration Team**

#### October Activities:

- November monthly billings to go out on October 16, 2023.
- Drought Management Fees now being assessed for 13<sup>th</sup> month. Details in Status Report.

#### On Deck: (November/December)

- Financial Audit is scheduled from October 9–23 (although work continues through December).
- TML Workers Compensation Payroll Audit.

### **Regulatory Compliance Team**

#### October Activities:

- Staff continues to work on new applications and assisting permittees with drought compliance.
- Staff continues analyzing monthly pumpage to confirm compliance/non-compliance of drought curtailments.
- Staff continuing to work through enforcement process with non-compliant permittees.
- Staff will oversee the drilling and construction completion of Creedmoor-Maha's new Middle Trinity well.
- Staff completed the annual pumpage analysis and will issue NOV's and penalties to those eligible.
- Staff will research potential updates to current LPP scheme.

#### On Deck:

- Ongoing review of potential updates to current enforcement plan and rules.

### **Policy and Project Team**

#### October Activities:

- Database project with LRE.
- City of Buda ASR application review
- RFQ for wastewater consultant and model review

#### On Deck:

- Ongoing sustainable yield data compilation, research, and decision-making framework.
- Helping with regulatory compliance duties when asked.

### **Communications and Outreach Team**

#### October Activities:

- Work on website update; set branding and replicate existing webpages and build new ones.
- Continue building comms for Stage IV and working with permittees to educate end-users.
- Finalize communications plan for 2023 and start general plans for 2024.
- Redesign Well Owner Guide and share it in both print and digital format.

#### On Deck

- Work with Edwards Aquifer Authority to develop collaborative event in Shared Territory
- Build communications plan for Zilker and Garrison monitoring wells in partnership with City of Austin.

**STATUS REPORT UPDATE  
FOR THE OCTOBER 12, 2023 BOARD MEETING**

**Summary of Significant Activities – Prepared by Staff Leads**

**Upcoming Dates of Interest**

- Texas Water Conservation Association (TWCA) fall conference – November 1-3, San Antonio, TX

## DROUGHT MANAGEMENT

### Drought Status and Water-Level Monitoring (*Justin*)

It has been nearly a year since the District declared a Stage III Critical Drought on October 20, 2022. In the time since then, some remarkable records have been established, as reported by Texas Monthly. These records include experiencing the hottest July on record with an average temperature of 90.8 degrees, enduring the longest stretch of consecutive days at or above 105 degrees (11 days), enduring the most consecutive days at or above 100 degrees (45 days), and reaching the highest heat index ever recorded, which reached 118 degrees on June 21. This culmination of prolonged high temperatures, including 80 days with triple-digit temperatures in 2023 alone, along with two years of below-average rainfall totaling -22 inches, has resulted in historically low levels for aquifers and spring flows. If these current conditions persist, the District anticipates moving into a Stage IV Exceptional Drought this coming fall.

In the middle of September, the District experienced an approximate average of 1 inch of rainfall. The Camp Mabry to ABIA region received around 1.3 inches, Buda to Wimberley recorded an average of 0.8 inches, and San Marcos received about 0.6 inches. While these rains were a welcome sight, they were rapidly absorbed by the dry soil, providing minimal recharge for the Edwards and Trinity aquifers. Typically, September ranks as the fourth wettest month of the year, boasting an average of 3.0 inches of rainfall. However, this September marks the fifth consecutive month during which we have fallen below the historical monthly average for precipitation.

As of October 5th, the District region has experienced rainfall ranging from 1 to 3 inches, and there are additional forecasts predicting more rain continuing through Saturday, the 7th.

On October 5, 2023, the Lovelady well had a level of 457.3 ft msl, about 0.2 ft above Stage IV Exceptional drought. Back in 2022, Lovelady crossed under the Stage II trigger on May 26 and under Stage III on October 17. Due to this very dry summer, water levels in Lovelady and wells throughout the District have been in decline. With no significant rain, the Lovelady monitor well could cross into Stage IV Exceptional Drought in the coming weeks.

The most recent manual measurement of Barton Springs flow, taken on October 2, reported a flow rate of 17.5 cubic feet per second (cfs). Despite the recent rainfall being limited, Barton Springs flow was expected to show only a slight increase. This was due to the rain being spread out over a large area of the Edwards Aquifer.

However, after receiving up to 3 inches of rain on October 5, Barton Springs flow has increased to 26 cfs, as reported by the USGS gauge. District staff will confirm Barton Springs flow with another measurement in late October.

In reaction to the rainfall in September, water levels in the Upper Trinity Aquifer briefly stabilized, whereas the Middle Trinity Aquifer exhibited a positive response. At Jacob's Well spring, the flow gauge has recorded zero flow since late June, contrasting with the Blanco River at Wimberley, which registered a modest increase in flow following September rains.

Rainfall in October should also have a beneficial impact on groundwater levels.

## DISTRICT PROJECTS

### **GMA Joint Planning**

➤ ***GMA 10 Coordination (Tim)***

The GMA 10 joint-planning group is working with Alyson McDonald of Collier Consulting. The fourth joint-planning process, culminating in February 2027 with the presentation of final explanatory reports, is estimated to cost \$110,081. The estimated cost to the District is \$24,000 over the next three to four fiscal years beginning with FY 24. An ILA between the six GMA 10 planning members is in the process of being finalized for review/approval by each of the groundwater districts. The next planning meeting is scheduled for October 16, 2023.

### **Trinity Aquifer Sustainable Yield Study & Planning**

➤ ***Policy Concepts and Advisory Workgroup Planning (Kendall)***

As a prerequisite to launching a well-impact analysis next fiscal year, INTERA has finalized the reconciliation of well data between the District's database and the TWDB's well inventory.

Staff will be working with INTERA to review our in-house Trinity Aquifer Sustainability Model to make recommendation on any necessary changes that might be needed to complete a sustainability metrics and unreasonable impact analysis. Staff has also drafted an RFQ for the well impact analysis

### ***Technical Evaluations (Jeff)***

Aquifer Science staff continue to collect data on the geology and hydrogeology related to the Trinity Aquifers. We are continuing to collect and evaluate water level data from our network of Trinity monitoring wells. In September staff completed data collection for our Trinity Aquifer synoptic drought study which will produce a water level map of the aquifer under the present drought conditions. This study will provide valuable data and insights on how the Trinity has responded to the current severe drought in different locations, which will be important for informing the Trinity Sustainable Yield project.

The first phase of work on the Trinity Aquifer Sustainability (TAS) model (previously called the "in-house model) has been completed. A comprehensive report with technical details of model construction has been published on the District website. An executive summary was also published summarizing key model findings for non-technical audiences, and is available for download in PDF format on the District website. The next phase of modeling will involve building a series of predictive models from the calibrated TAS model to provide quantitative estimates of impacts of various pumping scenarios on Trinity Aquifer water levels and spring flow. These predictive models will incorporate stakeholder input to identify key questions of interest for the model to answer.

Aquifer science staff are members of a technical committee to guide the development of a numerical groundwater model (BRAAT) of the aquifers influenced by the Blanco River. Southwest Research Institute started work on the BRAAT model in September of 2021 but contracting issues stalled development of the model. Modelling efforts restarted in July 2022 after the contracting issues were resolved. The next meeting of the technical committee will be held October 13, 2023 and staff will be in attendance. Staff met with HTGCD staff in late September to discuss the BRAAT process. Following this meeting, a joint HTGCD/BSEACD memorandum was submitted to the Meadows Center outlining desired model outputs for the next phase of predictive BRAAT model development.



### **Habitat Conservation Plan (Staff)**

- **Planning for Technical Tasks:** Aquifer Science staff are coordinating studies at Barton Springs with COA staff. These studies include measurement of dissolved oxygen (DO) in the Barton Springs pool and the installation of a monitor well within Zilker Park and south of the pool. Deployment of this equipment will take place after the monitor well is installed. Staff submitted an application for a grant from the City of Austin in February which would help pay for the conversion of a standard monitor well to a multiport well. As of May 2023, there is tentative approval of the grant request and AS staff are preparing details of the project with COA staff. The purpose of the monitor well is to understand how groundwater flows from the deeper portions of the Edwards Aquifer to the springs and how DO is distributed vertically in the aquifer. The HCP identified low levels of DO as a threat to the endangered salamanders. A potential remedy for low DO during severe drought is augmentation of DO in the shallow aquifer so that the threat of low DO is reduced.
- **Barton Springs Flow Measurements:** On Monday, October 2, 2023 Staff met with collaborating agency staff from US Fish and Wildlife, the US Geological Survey, and the City of Austin to discuss options for improving Barton Springs flow measurements, which have been shown to have lower accuracy during low flow drought conditions. Also on Monday, October 2, AS staff met with Brian Hunt at the Bureau of Economic geology to test a new flow measurement instrument at Barton Springs. Data collected from this field outing will be compared with flow data collected from other BSEACD and other agencies using the old method, to evaluate if the new instrument (which is called an Acoustic Doppler Current Profiler) can provide higher accuracy flow data. AS staff will continue to work with staff from collaborating agencies to explore solutions for improving flow data accuracy.

### **Database Management System – LRE Water (Kendall, Tim)**

LRE has completed most of phase 1, phase 2, and Phase 3. LRE and staff are working on the permit and production component of the database, which is arguably the most complicated aspect of the project. District staff and LRE staff plan to dedicate a significant amount of time over the next few weeks trying to towards a November 1<sup>st</sup> deadline.

### **ILA Commitments (Staff)**

The District has an ILA with COA to coordinate studies for the respective HCPs such as scientific feasibility studies and monitoring evaluations; to collaborate on the planning of future Kent Butler Summits; and to exchange technical information regularly on an annual basis. An annual technical meeting is held between the District and COA in December each year to discuss each organization's activities related to their respective HCPs. The next meeting will be held in December 2023.

### **Region K Planning Activities (Tim, Kendall)**

The next meeting is scheduled for October 4, 2023.

### **New Maps, Publications, or Reports**

A list of recent publications can be found at: <https://bseacd.org/scientific-reports/>

## RULEMAKING, PERMITTING, AND ENFORCEMENT

### Rulemaking (*Tim, Erin, District Counsel, R and E Committee*)

Several recommendations for rules changes, including redlined versions have been discussed with the Rules and Enforcement Committee on July 24. Discussion with the full Board is expected to begin during the August Board meeting and continue during the September meeting where approvals will be sought. It is expected that the Rules and Enforcement Committee will meet again in August to focus on potential changes to the enforcement plan as well as finish any other rules-related discussions that began in July.

### Drought (*Erin*)

- Will continue working with Aqua Texas, Creedmoor – Maha, and Monarch Utilities to ensure compliance per their Agreed Orders.
- Will continue enforcement proceedings with Tindol Restaurant Group, LLC and present penalty recommendation to the Board.
- Will continue monthly pumpage analysis to determine all permittee’s compliance status of drought curtailments.
- Will continue to assist permittees in ensuring they successfully comply with their UDCPs and Stage III drought curtailments for June.

### Enforcement and Compliance Matters (*Erin*)

<i>Compliance/Enforcement</i>			
<i>Permittee or Entity Name</i>	<i>Aquifer</i>	<i>Use Type</i>	<i>Notes</i>
Aqua Texas – Bear Creek Park	Edwards	PWS	Enforcement action and recommendation to be discussed at September 14 <sup>th</sup> meeting.
Aqua Texas – Bliss Spillar (Edwards)	Edwards	PWS	Agreed Order Executed; working with permittee to obtain final item requested.
Creedmoor-MAHA	Edwards	PWS	Agreed Order Executed; all additional requested documents have been received.
Monarch Utilities, Inc.	Edwards	PWS	Agreed Order Executed; all additional requested documents have been received.
Tindol Restaurant Group, LLC	Middle Trinity	Commercial	Staff penalty recommendations to go before the Board on 10/12/2023 meeting.

### Permitting Activity (*Erin, Jacob*)

<i>Upcoming</i>					
<i>Precinct</i>	<i>Application Type</i>	<i>Aquifer</i>	<i>Applicant Name</i>	<i>Use Type</i>	<i>Volume Request (GPY)</i>
1 - Pickens	LPP	Middle Trinity	Martinez, Sergio	Domestic	500,000
1 - Pickens	TBD	Edwards	Haley, Ricky	Domestic/Irrigation?	TBD
1 - Pickens	Production	Middle Trinity	Whiskey Ridge	Commercial	9,000,000
2-Stansberry	Plugging	TBD	Rangel, Alonso	Plugging	0
1 - Pickens	LPP	Upper Trinity	Pena, Estrella	Domestic	500,000

<i>In Review</i>					
	<i>Application Type</i>	<i>Aquifer</i>	<i>Applicant Name</i>	<i>Use Type</i>	<i>Volume Request (GPY)</i>
1 - Pickens	Volume Increase	Middle Trinity	Tindol Restaurant Group	Commercial	TBD
1 - Pickens	WDA	Middle Trinity	Whiskey Ridge	Commercial	0 - Monitoring
1 - Pickens	WDA/Production	Middle Trinity	Paradis Winery and Vineyard, LLC	Commercial	2,442,241
1 - Pickens	LPP	Middle Trinity	Robert T. Ramsey Family Trust	Exempt	7GPM - Exempt

<i>Recently Approve and/or Admin Complete</i>					
	<i>Application Type</i>	<i>Aquifer</i>	<i>Applicant Name</i>	<i>Use Type</i>	<i>Volume Request (GPY)</i>
1 - Pickens	LPP	Upper Trinity	Rhodes, Thomas	Domestic	500,000
1 - Pickens	LPP	Edwards	Trask, Thomas	Domestic	500,000
4 - Williams	Exempt	Edwards	Kempt, Carlos	Exempt	0 - Geothermal
1 - Pickens	LPP	Middle Trinity	Van Zyl, Jean	Domestic	500,000
1 - Pickens	LPP	Upper Trinity	Rhodes, Thomas	Domestic	500,000

## **AQUIFER STUDIES** *(Jeff, Justin, and Tim)*

### **Permitting Hydrogeologic Studies:**

Working with Regulatory Compliance on permitting issues as needed. AS staff continue to review geophysical logs of wells prior to final completion of the wells on an as-needed basis. In April, AS staff reviewed a drilling proposal submitted by Creedmoor-Maha for a Trinity well to be installed in their Edwards well field off of Twin Creeks Road. The Board of Directors approved a well drilling permit in May. A review of the City of Buda ASR permit application by AS staff is underway.

### **Groundwater Studies: *Dye Tracing, Water Quality, Aquifer Characterizations***

- Coleman’s Canyon- continuing to collect water-level data from the multiport well every month to 6 weeks. Groundwater sampling of these two wells was performed in May and June as part of the TWDB summer sampling program.
- There are no dye-trace studies planned at this time because of minimum to no flow in streams and springs.
- A synoptic water level study characterizing the Trinity Aquifer during severe drought conditions is underway. Data collection for this study was finished in September 2023.
- Aquifer science staff are working with the GM and City of Austin staff to drill two new Edwards Aquifer wells in fall 2023: one next to Barton Springs Pool and one at Garrison Park in south Austin.

### **Field Activities:**

- Cooperating with USGS and City of Austin staff to confirm accurate real-time gauge reporting at Barton Springs and Lovelady. Conducting bi-weekly to monthly field measurements. Most recent measurements at Barton Springs: 7/24/23 & 8/7/23. AS staff tested a new flow measurement instrument to measure Barton Springs flow on 10/2/23.
- Cooperating with USGS staff to confirm accurate real-time gauge reporting at Jacob’s Well and the Blanco River at Wimberley.
- Calibrating telemetry monitoring equipment at the Needmore index well (Amos) and reviewing pumping and water-level data as drought worsens.
- Antioch- Continuing to maintain the system and to collect data on flow into the vault (when there is flow). A recent visit to Antioch Cave to assess operating components and electronics indicated the need to recondition most electrical systems.
- Well monitoring- Because of drought, staff are increasing the amount of time maintaining equipment in numerous monitor wells and downloading and interpreting data; and occasionally checking on wells that have been reported as “dry”.
- City of Austin monitor wells.
- Texas Water Development Board annual water chemistry sampling (20 wells).
- Magellan Pipeline annual sampling.

### **Trinity Aquifer Modeling Development:**

- Trinity Aquifer Sustainability model (TAS): The first phase of modeling has been completed and a report has been published on the District website detailing specifics of model construction.
- BRAAT modeling: Southwest Research Institute started work on this model in September 2021, but activity was on hold as funding issues were resolved. SWRI restarted the project in late July and are

continuing to make progress. A meeting with the BRAAT review team was held on December 7. It is estimated that the BRAAT model will be completed by late summer or fall of 2023.

- New TWDB Southern Trinity GAM model: In July 2023 staff participated in a kickoff meeting hosted by TWDB modeling staff for the Southern Trinity GAM model. This regional model will cover the BSEACD portion of the Trinity Aquifer. AS will be in regular contact with the TWDB modeling team to provide data and technical input on model construction.

## COMMUNICATIONS AND OUTREACH (Shay)

### Drought Communications

#### Press Coverage

Throughout the month of September, staff were contacted by two reporters and the District was featured in the following story:

- Greater Edwards Aquifer Alliance highlights more opportunities for water reuse: report – [Fox7](#), 9/27/23

#### Buda Quarterly Townhall

District Staff attended Buda’s quarterly townhall on September 21, 2023 and was prepared to present about the drought and status of the aquifer. Even after promoting it across all City of Buda and District social media channels and in the drought update, no one from the general public attended. The event was, therefore, cancelled.

### Outreach Events

#### Barton Springs University

Hundreds of students and community members attended this year’s BSU event. Approximately 35 attendees listened to staff’s presentation on the Edwards aquifer. Staff also spoke with 50+ attendees about the District in general and also groundwater conductivity.

### Monthly Email Updates

On September 28, 2023 subscribers received the [September – October Newsletter](#), which included the September drought update. Drought updates are also posted on the [website](#) as a spotlight and across all social media platforms.

Below are the open and click rates the email as compared to the previous two mass emails sent to BSEACD email subscribers. For reference, according to MailChimp, the average mass email open rate in the government sector is 29% and click rate is 4%. # of clicks/click rate refers to the number of times links were clicked within the email. This is an effective way to measure engagement with email content.

Email Type	Date Sent	# Sent	# Opened	% Opened	# Clicks	% Clicks
<a href="#">Newsletter</a>	9/28/23	2320	994	43%	126	13%
<a href="#">Drought Update</a>	8/29/23	2324	898	40%	54	6%
<a href="#">Newsletter</a>	7/25/23	2334	866	37%	126	15%

The most recent newsletter’s open rate is 6% higher than the previous one. Staff believe this is a result of sending the newsletter earlier in the morning rather than mid-day, adjusting the title to “BSEACD Newsletter + Drought Update” instead of “BSEACD Newsletter”, and shortening the content within newsletters. Staff will continue to test different strategies and content to grow subscribers, open rates, and click rates.

## Social Media

Social Media Outlet	Social Media Performance			
	August Reach	% MOM Growth: August vs. July	August Followers	% MOM Growth: August vs. July
Facebook	3,072	-28%	1646	0.6%
Instagram	1,311	-86%	355	9%
Twitter	1,379	-60%	795	1.1%
LinkedIn	67	-11%	150	24%

Engagement across all social media platforms was in decline this month. This is partially due to less posts being made in (~2 a week instead of 3-4) as staff focused on other projects and outreach events. Even so, following on all social media outlets continues to grow.

## Website

A test website has been created by the District's web consultant. Staff are now actively working on setting up the new website's branding, organization, and initial web pages.

## Dry Well Reporting Form

Staff have created and disseminated [this form](#), which community members can use to report wells that appear dry. In the form it states that shared information will "help make Barton Springs/Edwards Aquifer Conservation District aware of areas that may be susceptible to impacts from drought and declining aquifer water levels."

The form was shared in the September – October Newsletter, will be included in the next Drought Update, and published across all social media channels. So far two community members have completed it. Responses are automatically recorded in a spreadsheet that is reviewed by staff.

**ADMINISTRATION**  
(September 9, 2023 – October 6, 2023)

**Accounts Receivable / Permittee Cycle Billings**

On October 16, monthly billings for November will go out.

**Annual Financial Audit**

The annual financial audit is scheduled for October 9 – October 23, 2023 with Montemayor Britton Bender.

**Budget FY 2024**

Has been entered into our financial operating system – Quickbooks.

**Drought Management Fees (DMFs)**

Tracking monthly DMFs began in October 2022 (for September pumpage).

Total DMFs invoiced for FY 2023 (beginning in October) is \$22,460.

**End-of-Year Closing 2023 Books and Opening FY 2024 Books**

Continuing the process through October.

**Financial Reporting – Website Transparency Section (Texas Comptroller’s Office)**

Transparency Star-related: Most current, available financial reports are to be posted on our website and accessible within three clicks, as required by the Texas Comptroller of Public Accounts Transparency Star Program. Balance Sheets, Profit and Loss Statements, and Check Registers (Operating and Payroll) through September 2023 should be posted on the District website.

**Records Management**

Storing annual files in accordance with our Local Government Schedule for retaining and disposing records.

*The Administration Team typically has repetitive monthly tasks e.g. monthly bank reconciliations, monthly adjusting journal entries, accounts payable, payroll, contract/grant/project tracking, office maintenance and repairs, budget monitoring, bi-weekly payroll journal updates, directors’ compensation, pre-paids, DMFs, posting public meetings, preparing meeting backups, etc. These types of tasks are not listed in this report because they are repetitive. Administration status reports are generally more summarized than the other teams, as we list our extra-ordinary tasks outside of our routine tasks, while supporting all other teams.*



## **Item 5**

### **Public Hearing**

**The Public Hearing concerns proposed revisions to the District Rules and Bylaws related generally to: Registration, Authorization, and Permits; Exempt Wells; Drought including enforcement; Notice and Hearing Process; Emergency Approvals; Timing of Drought Notification; Regulatory Fees; Reserve Accounts; Hearing Continuance; Request for Rehearing or Finding of Fact and Conclusions of Law; Decision when Final after a Contested Case before SOAH; Rules of Procedure for Rulemaking; Conflict of Interest; and Well Construction Standards.**

## **Item 6**

### **Board Discussions and Possible Action**

- a. Discussion and possible action related to approval of the proposed revisions to the District Rules and Bylaws.**

#### 4-1.4. CONFLICT OF INTEREST.

- A. Directors: In accordance with Chapter 171 of the Local Government Code, before any vote or decision on a business entity or real property in which a Director has a “substantial interest,” a Director will publicly disclose the interest during a meeting of the Board, file a completed affidavit with the Secretary of the Board, and abstain from further participation in the matter including voting and attending a closed meeting related to the matter for which the director is required to file the affidavit if:
1. The action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
  2. It is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property that is distinguishable from its effect on the public.

### **3-1.3. PERMITS AND EXEMPTIONS.**

Permits and permit amendments may be issued subject to the rules promulgated by the District, and subject to terms and provisions with reference to the drilling, equipping, completion, alteration, operation of, or production of groundwater from nonexempt wells or pumps that may be necessary to prevent waste and achieve water conservation, prevent as far as practicable unreasonable impacts.

- A. No person shall drill, pump, or operate a nonexempt well without first submitting applications and obtaining approval of a Well Drilling Authorization, a Production Permit, and, as warranted, a Transport Permit from the District. A violation occurs on the first day the drilling, alteration, or operation begins, and continues each day thereafter until the appropriate authorization or permits are approved.
- B. The following wells are exempt from having to obtain a Well Drilling Authorization, Production, or Transport Permit from the District:
  - 1. A well drilled after August 14, 2003 in the Western or the Eastern Freshwater Edwards Management Zone is exempt if it is registered with the District and it is:
    - a. A well that is used solely for domestic needs that is either drilled, completed, or equipped so that it is incapable of producing more than 10,000 gallons of groundwater a day, and is on a tract of land larger than 10 acres, or;
    - b. A well that is used for providing water for livestock or poultry that is either drilled, completed, or equipped so that it is incapable of producing more than 10,000 gallons of groundwater a day, and is on a tract of land larger than 10 acres.
  - 2. A well drilled before August 14, 2003 in the Western or the Eastern Freshwater Edwards Management Zone is exempt if it is registered with the District and it is:
    - a. A well not capable of producing more than 10,000 gallons per day;
    - b. A well used solely for domestic needs;
    - c. A well used for the watering, raising, feeding, or keeping of livestock for breeding purposes or for the production of food or fiber, leather, pelts or other tangible products having a commercial value. Boarding of horses, veterinarian facilities, sale barn or auction facilities, animal slaughtering operations, equestrian or rodeo arenas and facilities, and similar businesses are not considered agricultural livestock operations; or

3-1.4. Application for Registration, Production Permits, Source and Recovery Permits, Transport Permits, Well Plugging, Well Development, Well Drilling, or Well Modification Authorization.

B. Notice.

1. Applicants must provide public notice for the following types of permit applications:

- a. All new individual Production Permit applications for more than two million gallons;
- b. Well Drilling Authorizations or Modification applications for wells with anticipated annual pumpage of more than two million gallons;
- c. Notice of intent to transport any groundwater out of the District;
- d. All major permit amendments, as defined in Section 3-1.9 of these Rules;
- ~~e. A Regular Production Permit processed by the District after issuing a Temporary Permit as provided under Section 4(e) H.B. 3405; and~~
- ~~f.~~ All new Source and Recovery Permit applications

2. Such notices shall be published in one or more newspapers of general circulation in the county in which the subject well is located as determined by the District, in a form approved by the District. Public notice shall include a ~~280~~-day public response period beginning the day after the day said notice is published in a newspaper of general circulation within the District. If the notice is published in more than one newspaper, the public comment period expires the later of the date specified in the notice or ~~280~~ days after the day said notice is published in the newspaper of general circulation within the District. Applicants shall publish notice not later than ten business days after receiving an administratively complete determination from the General Manager or the General Manager's designated representative.

3. All required permit applications must have notice provided by the applicant, in a form approved by the District, by first-class USPS mail to all registered well owners with wells located within a radius described in Rule 3-1.4.A.(7)(~~gh~~) and Rule 3- 1.4.A.(8)(~~b~~)(~~lvii~~)(for Source and Recovery Permit applications). Notification of any property owner served by a retail water utility is not required of any applicant if notice is provided to the retail water utility. Applicants shall provide notice by first class USPS mail not later than ten business days after receiving an administratively complete determination from the General Manager or the General Manager's designated representative.

4. Applicants may not publish notice or provide notice by mail until the General Manager or the General Manager's designated representative determines that the application for which notice is required is administratively complete.

5. Under no circumstances will a public hearing be held, or action taken on the application by the Board prior to the termination of the ~~280~~-day public response period.

6. All public notices for newspaper circulation and covered by this Section, must contain at least the following information:

### 3-1.5. PERMITS FOR EXISTING WELLS IN AREA EXCLUDING SHARED TERRITORY.

A. Any well existing on or before August 13, 1987 which has not been permitted and which is not exempted from permitting under Rule 3-1.3, is entitled to obtain a permit from the District in the manner provided by this Rule.

B. Applications for permits for existing nonexempt wells must be filed with the District. Failure of the District to provide mailed notice shall not be grounds for failing to meet the requirements of these Rules and Bylaws. Any owner of an existing nonexempt well who failed to apply by October 13, 1987 may make application for a permit pursuant to this Section; provided, however, if the well was in operation during the period from August 13, 1987 until the application was made, past production fees shall be paid for each year of operation. Upon written request of the well owner or permittee, the Board may waive any or all past due fees.

Upon completion of a sworn application providing the completion date, capacity, location, water use, and such other information as may be required by the District, and upon payment of the application processing fee, the current annual ~~water use~~ production fee, and any required past water production fees, the District will issue a permit to the applicant in accordance with the applicable provisions of these Rules.

### 3-1.18. EMERGENCY APPROVALS.

A. Emergency Transfer of a Permit to another Well. Upon application to the District, the General Manager shall authorize a permit, including a permit associated or consolidated with a Transport Permit, to be transferred to another well, including a permit transfer to a well with an existing permit so that the recipient of the emergency approval can use water from an existing permittee via an interconnect or a replacement well, in the immediate vicinity of the permitted well upon a satisfactory demonstration by the applicant that:

1. The action is necessary in order to alleviate an immediate and serious threat to human life or health, or to prevent extensive or severe property damage to economic loss to the person proposing or requesting to make the transfer, and
2. The replacement or transfer well will not endanger human life or health, and will not cause what would, under the particular circumstance, be unreasonable property damages or economic loss to others. The provisions of this subdivision of the Rules does not apply to a Temporary Transfer Permit that may be issued as a general permit by rule during an Exceptional Stage Drought and/or Emergency Response Period and subsequent to establishing acceptable contractual provisions between certain permittees (see Rule 3-7.6).

**Commented [BD1]:** The effect of these changes is to have two "permits" for one well with the entity requiring additional water to have the water "charged" against the temporarily transferred permit. Two permits on one well is problematic if the well can't support the increased usage. Alternatively, the permittee transferring the water could have all the water charged against its permit through the interconnect and assuming the use is authorized, an emergency approval seems unnecessary.

The General Manager may issue a temporary order authorizing the withdrawal of water or including transfer of water between permittees via a system interconnection authorizing the withdrawal of water by one permittee from another permittee's well without notice and hearing, or with such notice and hearing as the General Manager, in his/her judgment, deems practical under the circumstances. The permittee granting a transfer transferring water via a system interconnection shall notify the District General Manager immediately of their the transfer agreement to do so, including a proposed length of time for the transfer allowance. Notice may be given via email to ensure timeliness. The permittees involved shall settle any financial impacts that may occur including, but not limited to, an emergency transfer through an interconnection between permittees does not authorize overpumpage penalty that the granting permittee might incur.

B. Emergency Withdrawals. Upon application to the District, the General Manager shall authorize withdrawal of water not covered by a permit upon a satisfactory demonstration by the applicant that:

1. An emergency exists due to acts of God or nature or other disaster, not including drought conditions,
2. The withdrawal of water is necessary in order to alleviate an immediate and serious threat to human life or health or to prevent extensive and severe property damage or economic loss to the person requesting the withdrawals, and
3. The withdrawal will not endanger human life or health and will not cause what would under the particular circumstances be unreasonable property damage or economic loss to others.

The General Manager may issue a temporary order authorizing the withdrawal of water without notice and hearing, or with such notice and hearing as the General Manager, in his/her judgment, deems practical under the circumstances.

### 3-7.7. DISTRICT ACTION.

During each drought stage, the District will take action to inform the public and to monitor conditions. The District's minimum actions may include:

A. Implementation Mechanism. The District shall declare the commencement or discontinuance of a Stage II Alarm, Stage III Critical, or Stage IV Exceptional Drought Stage. Upon declaration, the District shall notify all permittees of the drought condition so that appropriate permittee actions can be undertaken. When the ~~1030~~ 1030-day running average discharge rate at Barton Springs declines to 17 cfs or below, the District shall notify all permittees in the two Freshwater Edwards Management Zones of the possible imposition of a future Exceptional Drought Stage to provide an early warning of possible additional, substantial curtailments in use, including complete curtailment of both classes of Conditional Production Permits, and for certain permittees of an upcoming requirement to notify retail customers of both the peril for their water supply and other measures specified in Rule 3-7.6(B)(3) and (4).

**Commented [TL1]:** The logic for this suggested change is this: by the time a 30-day avg hits 17 cfs, the 10-day average may well have crossed the 14 cfs threshold and resulted in Stage IV Exceptional Drought declaration. The 10-day avg is relevant due to Rules 3-7.3. and 3-7.6.C.1.c. Additionally, a focus on one running average value versus two different ones will be less confusing for all.

B. Public Awareness. The District may provide press releases to local newspapers and electronic media that may include information on discharge from Barton Springs, water levels in wells, water quality, and groundwater declines whenever the District declares a change in drought status.

C. Aquifer Monitoring. District staff shall monitor aquifer conditions on a regular basis during non-drought periods so that staff will be aware of impending drought conditions. Staff will review USGS-telemetered data made available through the USGS web site to monitor conditions at Barton Springs. Staff will also review District-telemetered data made available through the web to monitor conditions at the Lovelady Drought Indicator Well and other monitoring wells. Periodic visits to the Lovelady well and Barton Springs may be used to verify conditions. District staff may contact the USGS directly for verification of data on the USGS web site, or District staff may manually measure discharge from Barton Springs. During periods of District-declared drought, District staff will check the telemetered data at least weekly.

D. Forecast of Water Level Elevations. The District may perform forecasts of water level elevations and water quality changes. If drought conditions or changes in stages are projected, the District may notify all permittees. Notification may include a description of pending drought or non-drought conditions (stages) and expected permittee response.

F. Wells Requiring a New Production Permit or Pumpage Amendment Applications. All applications for wells that require the issuance of a Production Permit or an amended Production Permit submitted during any District-declared drought will be referred to the Board for consideration and/or public hearing under Rules 3-1.4(A) and 3-1.6(A), and 3-1.9(B). Generally, the District will delay the effective date of such permits until the No-Drought Stage exists. The District recognizes that some applicants may be required to maintain a state-mandated sufficiency of water service under TCEQ Rules for Public Drinking Water Sections 290.44D and/or 291.93, or other appropriate Sections of TAC 30 and will work with these applicants to ensure that both state and District requirements are satisfied



### 3-7.8. IMPOSITION OF REGULATORY FEES.

During periods of District-declared drought, and starting after two full months of a drought period, a drought management fee (DMF) will be imposed on individual permittees permitted for more than 2,000,000 gallons annually and who exceed their monthly drought allocations (excludes all uses under general permits). This DMF-fee, will be invoiced and paid within the permittee's current billing cycle, in arrears, as a condition of permit renewals at the beginning of each fiscal year.

~~A. Fee Schedule. 1. Fees will be assessed in accordance with the outside diameter of the production zone casing (e.g., 5.0 inches or less, between 5.0 and 10.0 inches, and greater than 10.0 inches) and as indicated in the District's Fee Schedule that is updated annually for each new fiscal year. For production zone casing with outside diameters (or for aggregated multiple-well systems, an average outside diameter of production wells) nominally 5.0 inches or less, the drought management fee will be \$100 per full month of declared drought, with a credit of \$100 per month applied for each month that the permittee does not exceed its monthly mandated restriction in the prevailing UDCP by more than five percent.~~

~~2. For production zone casing with outside diameters (or for aggregated multiple-well systems, an average outside diameter of production wells) nominally between 5.0 inches and 10.0 inches, the drought management fee will be \$250 per full month of declared drought, with a credit of \$250 per month applied for each month that the permittee does not exceed its monthly mandated restriction in the prevailing UDCP by more than five percent.~~

~~3. For production zone casing with outside diameters (or for aggregated multiple-well systems, an average outside diameter of production wells) nominally greater than 10.0 inches, the drought management fee will be \$500 per full month of declared drought, with a credit of \$500 applied for each month that the permittee does not exceed its monthly mandated restriction in the prevailing UDCP by more than five percent.~~

~~B.~~

### 3-7-10. Enforcement/Penalties During Drought.

#### A. Maximum Penalty (no changes)

#### B. Determination of daily penalties for failure to reduce pumpage during District declared drought

1. When a permittee's reported monthly pumpage exceeds the Permittee's target (i.e., drought curtailed) pumpage for the month under its User Drought Contingency Plan (UDCP), the District will use the methodology that follows to determine daily penalties.
2. The District will calculate an average daily usage by dividing the monthly total pumpage by the number of days in the month.
3. The average daily usage will be summed until the total equals permittee monthly target (i.e., drought curtailed) pumpage for that month under the Permittee's UDCP (referred to as "First Day of Exceedance").
4. Each day that the average daily usage exceeds the target monthly pumpage beginning with the First Day of Exceedance constitutes a separate daily violation.
5. Daily penalties will be assessed in accordance with subsection 3-7.10.A. above.
6. The product of the number of days of overpumpage multiplied by the appropriate daily penalty amount constitutes the total monthly penalty.

### 3-7.11 SPECIAL DROUGHT RESERVED ACCOUNT/RESERVE ACCOUNTS FOR AQUIFER PROTECTION.

Fees that are collected pursuant to Rule 3-7.8(a) and drought-related penalties pursuant to Rule 3-7.10 shall be placed in a special reserve accounts. One account is designated the Aquifer Protection Reserve Account—Well Plugging that is initially funded by the amount of funds existing in the Drought Reserve Account as of \_\_\_\_\_. The Aquifer Protection Reserve Account – Well Plugging exists solely to support the funding of plugging of abandoned wells. The other account is designated Aquifer Protection Reserve Account – Drought Management that will be used solely to respond to drought-related problems and needs, including the procurement of resources necessary to monitor and communicate about drought, manage the District’s monitoring-well network, and manage the aquifers in general without further restriction and at the discretion of the District Board of Directors or General Manager. These Aquifer Protection Reserve Accounts are to be replenished with any collected enforcement penalties, any drought management fees imposed on larger nonexempt permittees that do not meet their drought curtailments, and an annual budgeted supplement at the discretion of the Board of Directors.

*With these edits, does this new rule language now squares with the following language of the District’s HCP/ITP Mitigation Measure, HCP ID No. M-4 below.*

The District commits to establishing a new reserve fund for plugging abandoned wells to eliminate high-risk abandoned wells as potential conduits for contaminants from the surface or adjacent formations into the aquifer, with priority given to problematic wells close to the Barton Springs outlets and/or associated with water chemistry concerns under severe drought conditions. This reserve fund, which like others under state law has restrictions on its funding and use, would be established within the first year after issuance of the ITP by closing the existing Drought Reserve Account, whose stipulated purpose has been legal defense for drought management, and then by utilizing its current balance to initially fund a new Aquifer Protection Reserve Account. The new account would exist solely to fund plugging of abandoned wells and would be replenished after the first year with any collected enforcement penalties, any drought management fees imposed on larger nonexempt permittees that do not meet their drought curtailments, and an annual budgeted supplement at the discretion of the Board.

#### 4-9.7. CONTINUANCE.

The presiding officer may continue a hearing from time to time and from place to place without providing notice under District Bylaw 4-9.2. If the presiding officer continues a hearing without announcing at the hearing the time, date, and location of the continued hearing, the presiding officer must provide notice of the continued hearing by regular mail to the parties. A continuance may not exceed the time limit for a final decision under Rule 4-9.11.

#### 4-9.10. REQUEST FOR REHEARING OR FINDINGS OF FACT AND CONCLUSIONS OF LAW.

- A. An applicant in a contested or uncontested hearing on an application, or a party to a contested hearing, may administratively appeal a decision of the Board on a permit or permit amendment application by requesting written findings of fact and conclusions of law not later than the 20<sup>th</sup> day after the date of the Board's decision unless the Board issued findings of fact and conclusions of law as part of the final decision.
- B. On receipt of a timely written request, the Board shall make written findings of fact and conclusions of law regarding a decision of the Board on a permit or permit amendment application. The Board shall provide certified copies of the findings and conclusions to the person who requested them, and to each designated party, not later than the 35<sup>th</sup> day after the date the Board receives the request. A party to a contested hearing may request a rehearing before the Board not later than the 20<sup>th</sup> day after the date the Board issues the findings of fact and conclusions of law.
- ~~B.C.~~ The Board shall consolidate requests for rehearing filed by multiple parties to the contested case hearing, but only one rehearing may be considered per matter.
- ~~C.D.~~ A request for rehearing must be filed in the District office and must state the grounds for the request. If the original hearing was a contested hearing, the party requesting a rehearing must provide copies of the request to all parties to the hearing.
- E. If the Board grants a request for rehearing, the Board shall schedule the rehearing not later than the 45<sup>th</sup> day after the date the request is granted.
- ~~D.F.~~ If a motion for rehearing is filed and granted by the Board, the Board shall make a final decision on the application not later than the 90<sup>th</sup> day after the date of the decision by the Board that was subject to the motion for rehearing.

#### 4-10.3. PETITION FOR ADOPTION OR MODIFICATION OF RULES.

- A. A person with a real property interest in groundwater located within the District may petition the District to request the adoption or modification of a rule.
- B. Petitions shall be submitted in writing to the General Manager, and shall comply with the following requirements:
  - 1. each rule requested must be submitted by separate petition;
  - 2. each petition must be signed and state the name and address of the petitioner(s) and identify with a brief written description and drawing the petitioner's real property interest in groundwater within the District;
  - 3. each petition shall include:
    - a. a brief explanation of the proposed rule;
    - b. the text of the proposed rule prepared in a manner to indicate the words to be added or deleted from the text of the current rule, if any;
    - c. a statement of the statutory or other authority under which the proposed rule is to be promulgated; and
    - d. an allegation of injury or inequity that could result from the failure to adopt the proposed rule.
- C. The General Manager may reject a petition for failure to comply with the requirements of subsection (B) of this section.
- D. Not later the 90<sup>th</sup> day after the date the District receives the petition that complies with this section, the Board shall either deny the petition and provide an explanation for the denial in the minutes of the Board meeting or in a letter, or engage in rulemaking consistent with the granted petition as provided by Section 36.101 of the Water Code.
- E. There is no private cause of action for a decision to accept or deny a petition.

## Rule Change to Clarify Language Related to Middle Trinity Well Grouting

*Staff Explanation:* This change is suggested to clarify language in the well completion standards related to grouting requirements for Middle Trinity wells. The current rules specify that casing and annular sulfate-resistant cement should be placed across an interval where Ca-SO<sub>4</sub> water-bearing evaporite beds are known to exist in the upper portion of the Lower Glen Rose formation. The rules as currently written use the “reef” unit as the marker for the base of this Ca-SO<sub>4</sub> water bearing interval. Unfortunately, the reef unit is not clearly defined in many geophysical logs, and thus in practice we rarely have this marker to use for specifying casing/grouting intervals for a given well. To remedy this issue, we propose changing rule language to require casing/grouting to a minimum of 50 feet below the Upper Glen Rose/Lower Glen Rose contact if the reef unit is not clearly present. This should clear any ambiguity as to depth of casing/grouting into the Lower Glen Rose when the reef interval is not present.

Proposed Rule Change:

BSEACD Rule 5

WELL CONSTRUCTION STANDARDS

5-5.3 WELLS IN THE TRINITY AQUIFER MANAGEMENT ZONES

- A. MIDDLE TRINITY WELLS (Figure 5). The following standards apply to wells to be completed in and open only to the Middle Trinity Management Zone. The Middle Trinity Management Zone is comprised principally of the Middle Trinity Aquifer excluding the elevated Ca-SO<sub>4</sub> water-bearing units in the upper portion of the Lower Glen Rose; this boundary may also be coincident with the top of a “reef” unit in the upper portions of the Lower Glen Rose Formation (when present).

(1) Drilling and Casing. All wells shall be drilled to a depth not to exceed the base of the units of the Middle Trinity Aquifer and shall be cased to the base of the elevated Ca-SO<sub>4</sub> water-bearing units in the upper portion of the Lower Glen Rose formation just above the top of a “reef” unit in the upper portions of the Lower Glen Rose Formation, if present. If the “reef” unit is not present, the base of the elevated Ca-SO<sub>4</sub> water-bearing units should be assumed to be a minimum of 50 feet below the Upper Glen Rose/Lower Glen Rose contact.

(2) Grouting and Annular Seal.

a. A volume of grout shall be emplaced to fill the entire depth of the borehole-annulus of the casing from the base of the elevated CaSO<sub>4</sub> water-bearing units in the upper portion of the Lower Glen Rose just above the top of a “reef” unit in the upper portions of the Lower Glen Rose Formation (~~when-if~~ present) back to the land surface. If the “reef” unit is not present, the base of the elevated Ca-SO<sub>4</sub> water-bearing units should be assumed to be a minimum of 50 feet below the Upper Glen Rose/Lower Glen Rose contact.

b. In areas where “circulation loss” problems are anticipated or have occurred within the Edwards Group, the driller shall adhere to the grouting requirements of 5-

## **Item 6**

### **Board Discussions and Possible Actions**

**b. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments.**

## **Item 6**

### **Board Discussions and Possible Actions**

**c. Discussion and possible action a Report of Investigation, Notice of Alleged Violation, and Draft Agreed Order for initiation and resolving enforcement proceeding concerning Tindol Restaurant Group's failure to reduce pumping during District declared drought.**



## **Item 6**

### **Board Discussions and Possible Actions**

**d. Discussion and possible action related to the overpumpage of authorized annual permitted volume by District permittees, 1) Aqua Texas Bliss Spillar, 2) Hays City Holdings, 3) Roy Seiders, and 4) Stripe-Susser Corp./7-Eleven.**

## **Item 6**

### **Board Discussions and Possible Actions**

**e. Discussion and possible action related to a moratorium on accepting new permit applications.**

## **Item 6**

### **Board Discussions and Possible Actions**

**f. Discussion and possible action on declaring Stage IV Exceptional Drought.**

## **Item 6**

### **Board Discussions and Possible Actions**

- g. Discussion and possible action on a potential second meeting of the Board of Directors on the fourth Thursday of the month.**

## **Item 7**

### **Director's Reports**

#### **Directors' Reports.**

Directors may report on their involvement in activities and dialogue that are of likely interest to the Board, in one or more of the following topical areas:

- **Meetings and conferences attended or that will be attended;**
- **Committee formation and updates;**
- **Conversations with public officials, permittees, stakeholders, and other constituents;**
- **Commendations; and**
- **Issues or problems of concern.**

**Item 8**  
**Adjournment**



**NOTICE OF MEETING AND PUBLIC HEARING OF THE  
BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

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**Thursday, October 12, 2023**

**5:00 PM**

**IN-PERSON**

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Notice is given that a **Regular Meeting and Public Hearing** of the Board of Directors (Board) of the Barton Springs/Edwards Aquifer Conservation District will be held on **Thursday, October 12, 2023** commencing at **5:00 p.m.** at the **District office, located at 1124 Regal Row, Austin, Texas.**

This meeting will be audio recorded and the recording will be available on the District's website after the meeting.

Public Comments at the Board Meeting – Please complete a comment card prior to the start of the meeting. Each registered person will be recognized and identified by the Presiding Officer or staff moderating the communications when it is their turn to speak. **Public comment is limited to 3 minutes per person.**

**AGENDA**

Note: The Board of Directors of the Barton Springs/Edwards Aquifer Conservation District reserves the right to meet in Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by the Texas Government Code Sections §551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Homeland Security). No final action or decision will be made in Executive Session.

- 1. Call to Order.**
- 2. Citizen Communications (Public Comments of a General Nature).**
- 3. Consent Agenda.** *(Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as a separate item of Regular Business on this agenda.)*
  - a. Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.
  - b. Approval of minutes of the Board's September 14, 2023, Regular Meeting.
- 4. General Manager's Report. Discussion and possible action.**

**Topics**

  - a. Review of key team activities/projects.
  - b. Aquifer status update.
  - c. Upcoming events of possible interest.

## **5. Public Hearing.**

The Public Hearing concerns proposed revisions to the District Rules and Bylaws related generally to: Registration, Authorization, and Permits; Exempt Wells; Drought including enforcement; Notice and Hearing Process; Emergency Approvals; Timing of Drought Notification; Regulatory Fees; Reserve Accounts; Hearing Continuance; Request for Rehearing or Finding of Fact and Conclusions of Law; Decision when Final after a Contested Case before SOAH; Rules of Procedure for Rulemaking; Conflict of Interest; and Well Construction Standards.

## **6. Discussion and possible action.**

- a. Discussion and possible action related to approval of the proposed revisions to the District Rules and Bylaws.
- b. Discussion and possible action related to the performance and compliance of District permittees with their User Drought Contingency Plan curtailments.
- c. Discussion and possible action related to a Report of Investigation, Notice of Alleged Violation, and Draft Agreed Order for initiation and resolving enforcement proceeding concerning Tindol Restaurant Group's failure to reduce pumping during District declared drought.
- d. Discussion and possible action related to the overpumpage of authorized annual permitted volume by District permittees, 1) Aqua Texas Bliss Spillar, 2) Hays City Holdings, 3) Roy Seiders, and 4) Stripe-Susser Corp./7-Eleven.
- e. Discussion and possible action related to a moratorium on accepting new permit applications.
- f. Discussion and possible action on declaring Stage IV Exceptional Drought.
- g. Discussion and possible action on a potential second meeting of the Board of Directors on the fourth Thursday of the month.

## **7. Director Reports.**

Directors may report on their involvement in activities and dialogue that are of likely interest to the Board, in one or more of the following topical areas:

- Meetings and conferences attended or that will be attended;
- Board committee updates;
- Conversations with public officials, permittees, stakeholders, and other constituents;
- Commendations; and
- Issues or problems of concern.

## **8. Adjournment.**

**Please note:** This agenda and available related documentation, if any, have been posted on the District website, [www.bseacd.org](http://www.bseacd.org). If you have a special interest in a particular item on this agenda and would like any additional documentation that may be developed for Board consideration, please let staff know at least 24 hours in advance of the Board Meeting so that we can have those copies made for you. The Barton Springs/Edwards Aquifer Conservation District is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal opportunity for effective communications will be provided upon request. Please contact the District office at 512-282-8441 at least 24 hours in advance if accommodation is needed.