

Texana Groundwater Conservation District

411 N. Wells, Room 118, Edna, Texas 77957

P.O. Box 1098, Edna, Texas 77957

Phone (361) 781-0624 | Fax (361) 781-0453 | www.texanagcd.org

The meeting of the Texana Groundwater Conservation District Board of Directors convened at 411 N. Wells, Edna, Texas 77957 on Thursday, November 18, 2022, at 8:30 AM.

The following representatives of Texana Groundwater Conservation District attended the meeting:

Precinct 1:	Kenneth Koop	Present
Precinct 2:	Michael Skalicky	Present
Precinct 3:	Clifford Born	Present
Precinct 4:	Robert Gendke Jr.	Present
At Large:	Jim Revel	Absent
At Large:	Johnny Dugger	Absent
At Large:	Fredrick Woodland	Present
General Manager:	Tim Andruss	Present
Legal Counsel:	Jim Allison of Allison, Bass & Magee, LLP	Present

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

Meeting Discussion: Mr. Skalicky called the meeting to order at approximately 8:30 AM.

Board Action: None.

Agenda Item 2: Receive public comments.

Meeting Discussion: Mr. Skalicky offered to accept public comment from attendees.

No comments were made at this time.

Board Action: None.

Agenda Item 3: Consideration of and possible action on matters related to groundwater management including the efforts and activities of the District regarding permitting, complaints, investigations, violations, and enforcement cases associated with permitting.

3.0 – Investigation INV-20221107.1343 regarding Failure to Satisfy Permit Condition.

Meeting Discussion: Mr. Andruss explained on November 11, 2022, the District initiated investigation INV-20221107.1343 into a potential violation of failure to

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satisfy a permit condition of waiver WV-20191219-01. associated with production permit OPWF-20191219-01. Item 1 of Section 5.11 - Fresh Zone Performance Responses requires the curtailment of groundwater production of the subject well field zone (i.e., groundwater production from the wells of the well field completed in the fresh water zone) when any of the fresh zone performance criteria are not satisfied for two or more consecutive reporting periods (i.e., monthly reporting periods).

Based on the information submitted to the District by Bower and Saha Aquaculture in the monthly reports for July 2022 - PR-20220815-01, August 2022 - PR-20220901-01, September 2022 - PR-20221003-01, and October 2022-PR-20221102-01, the performance criteria for the fresh zone were not satisfied for four consecutive months.

For monthly reporting for July 2022 Bower and Saha Aquaculture exceeded the following performance criteria:

1. the criteria for maximum water level change during the reporting period by 4.52 feet at the East LF-DAMW.

For monthly reporting for August 2022 Bower and Saha Aquaculture exceeded the following performance criteria:

1. the criteria for maximum conductivity change during the reporting period by 190 $\mu\text{S}/\text{cm}$ at the East LF-DAMW;
2. the criteria for maximum water level change during the reporting period by 15.39 feet at the East LF-DAMW;
3. the criteria for maximum water level change during the reporting period by 6.87 feet at the Center LF-DAMW; and
4. the criteria for maximum water level change during the reporting period by 4.43 feet at the West LF-DAMW.

For monthly reporting for September 2022 Bower and Saha Aquaculture exceeded the following performance criteria:

1. the criteria for maximum conductivity change during the reporting period by 517 $\mu\text{S}/\text{cm}$ at the East LF-DAMW;
2. the criteria for maximum water level change during the reporting period by 11.10 feet at the East LF-DAMW;
3. the criteria for maximum water level change during the reporting period by 5.70 feet at the Center LF-DAMW; and
4. the criteria for maximum water level change during the reporting period by 4.97 feet at the West LF-DAMW.

For monthly reporting for October 2022 Bower and Saha Aquaculture exceeded the following performance criteria:

1. the criteria for maximum conductivity change during the reporting period by 727 $\mu\text{S}/\text{cm}$ at the East LF-DAMW;

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2. the criteria for maximum water level change during the reporting period by 13.17 feet at the East LF-DAMW;
3. the criteria for maximum water level change during the reporting period by 9.96 feet at the Center LF-DAMW; and
4. the criteria for maximum water level change during the reporting period by 7.84 feet at the West LF-DAMW.

Under item 1 of Section 5.11 - Fresh Zone Performance Responses, Bower and Saha were required to curtail groundwater production from the fresh zone during September 2022 and October 2022.

Item 29 of Rule 4.1 General Permitting Policies and Procedures specifies "Whenever special permit terms and conditions are inconsistent with other permit provisions or these rules, the special terms and conditions will prevail."

Item 30 of Rule 4.1 General Permitting Policies and Procedures specifies "Violation of the permit terms, conditions, requirements, or special provisions, including producing amounts of groundwater in excess of authorized groundwater production, is punishable by civil penalties as provided by these rules and the revocation of the permit."

Item 7 of Rule 4.3: Permitting Policies and Procedures related to Production Permits specifies "Groundwater production under a production permit of a non-grandfathered well field and non-grandfathered well system shall be reduced or cease until the conditions related water level decline are satisfied based on water levels observed from the monitoring wells designated on the production permit."

Item 1 of Section 5.12 of waiver WV-20191219-01 requires termination of all groundwater production from the well field until all enforcement proceedings have concluded.

The monthly reports contain the evidence that Bower and Saha Aquaculture failed to curtail fresh groundwater production in October 2022 as required by the conditions of waiver WV-20191219-01 which appears to constitute violations of the Rule 4.1 General Permitting Policies and Procedures and Rule 4.3: Permitting Policies and Procedures of the Rules of the District.

On November 11, 2022, the District transmitted a notice to Bower and Saha Aquaculture of its initiation of enforcement proceedings.

Mr. Kubecka explained the circumstances under which groundwater was produced during the period of time that is the subject of the investigation of the district.

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Mr. Koop exited the meeting at 10:14 AM.

Board Action: Mr. Born moved to:

1. find that Bower and Saha Aquaculture LLC violated the conditions of waiver WV-20191219-01, production permit OPWF-20191219-01, Rule 4.1 General Permitting Policies and Procedures, and Rule 4.3: Permitting Policies and Procedures of the Rules of the District;
2. authorize the General Manager to initiate an enforcement case in relation to the violation;
3. authorize the General Manager to transmit a Notice of Violation to Bower and Saha Aquaculture LLC; and
4. offer to settle the violation if Bower and Saha Aquaculture
 1. suspends fresh groundwater production until performance criteria of the waiver is satisfied unless temperatures fall below 42 degrees Fahrenheit for 3 or more consecutive days,
 2. submit, by April 2023, any permitting applications including any amendment requests to be sought to address the recurring exceedances of performance conditions, and
 3. pay a \$100 penalty.

Mr. Skalicky seconded the motion. The motion passed.

Mr. Kubecka verbally acknowledged and accepted the offer on behalf of Bower and Saha Aquaculture LLC.


Agenda Item 4: Adjourn.

Meeting Discussion: None.

Board Action: Mr. Gendke moved to adjourn the meeting after concluding all business of the District. Mr. Born seconded the motion. The motion passed unanimously.

The above and foregoing minutes were read and approved on this the 19th day of JANUARY, 2023.

ATTEST:


District Director


District Director