



MINUTES OF SPECIAL BOARD MEETING OF THE SOUTHWESTERN TRAVIS COUNTY GROUNDWATER CONSERVATION DISTRICT

Via Video and Telephone Conference

In accordance with the order of the Office of the Governor issued March 16, 2020, the SWTCGCD Board of Directors conducted a Special Board Meeting as a remote access only meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). The meeting was open to the public and instructions for accessing the conference call were provided in advance with the Notice of Meeting

Monday, August 17, 2020 at 6:00 PM

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

Director and Board Vice President Davis called the meeting of the Southwestern Travis County Groundwater Conservation District (SWTCGCD or District) Board of Directors to order at 6:00 PM on Monday August 17, 2020. Four District Directors were present on the conference call constituting a quorum, including Directors Davis, Hennings, Dower, and Van Ackeren. Directors Scadden, Hunt and Urie were absent. Also present were General Manager Kodi Sawin, Kirk Holland, and Ty Embry with Lloyd Gosselink.

At the request of Director Davis all present introduced themselves.

2. Public comments

Director Davis called for public comments. There were no public comments.

3. Conduct Public Hearing to receive input from the public regarding the SWTCGCD Fee Schedule for Fiscal Year 2021

Director Davis opened the scheduled Public Hearing at 6:04 PM.

Mr. Kirk Holland explained that the presentation at this hearing is the same presentation that we had at the hearing last week, this is round 2. He said he would be talking about the proposed Fee Schedule, the types of fees there are and what fees apply to what kinds of wells. This is a prelude to the Board’s consideration of adopting the Fee Schedule sometime soon. This presentation is pointed toward a well owner here in the District who wants to know what fees might be assessed for that person to pay.



Mr. Holland presented Part 1 – Staff Presentation on Contents of Proposed Fee Schedule.

The Part 1 – Staff Presentation on Contents of Proposed Fee Schedule outline document is attached as Exhibit A

Director Davis then initiated Part II of the Hearing by asking if the Directors needed any clarifications.

Director Dower asked about the Production Authorization Application Fee for existing wells. He said the Board has gone back and forth on this but has decided that we will charge a Production Authorization Application Fee for existing wells but we will discount it by 50% for six months to incentivize them to register and get permitted early. He asked the Board if the intent was to make that discount applicable to all wells in the first six months or just to the existing wells? Do new wells get that discount also? Mr. Holland replied that the intent was to get existing wells permitted early but if someone came in during the first six months and wanted to permit a new well, we would honor that discount. Director Davis said that she thought it was just for existing wells. She asked if anyone else had any thoughts on that. Director Dower said he also thought it was just for existing wells and Director Van Ackeren said that he did also. Mr. Holland suggested that, as a practical matter it would be nearly impossible for someone to have a new well permit application in the first half of FY 2021. Director Hennings pointed out that the Fee table does not indicate the discount for new wells. Mr. Holland said he thought that the written narrative Fee Schedule does indicate that the discount applies to the new wells and he said he would go back and look at it and make sure they agree. The Board agreed that it needs to be clear what the discount applies to and that it should not apply to new wells.

Director Dower had another question regarding Production Authorization on existing wells. Are we going to authorize production based on historical production from the well or are we going to go through rigorous analysis of the aquifer and those sorts of things? Mr. Holland said he did not think the data would be available about how much an existing well had been producing because they are not metered or recorded. The permittee will be requesting a production amount in their application and we will look to see if that is reasonable regarding the use, amount of land, etc. and do some evaluation of whether it is reasonable use. Director Dower said his point is that the evaluation of an application for an existing well is going to more or less “perfunctory” based on some simple guidelines and, that being the case, do we think we can justify charging an application fee of \$400? Mr. Holland responded yes, it is between five and six hours of work for somebody at \$70/Hr.

Director Davis asked about well repairs such as pulling a pump. Do you have to get a permit for that? Mr. Holland responded yes, if you are modifying the well, but if it is replacing something such as a pump with one of the same size, then no. Outright repairs are not even considered modifications.

Director Dower asked if we should charge a late registration penalty fee for late registration of existing wells? Director Hennings asked how much time we would be thinking about? Director Dower said if an Operating Permit well were to be several years late we would have been missing out on several years of productions fees and we should be able to back charge for those fees, or what can we do to get those guys to register those wells? Mr. Holland advised that if an owner of



a well requiring an operating permit is operating the well without a permit they are in violation of the District Rules and there is a fine of like \$1,000 per day and that applies to a General Permit by Rule well also. He indicated it is a valid question to ask if we should have a specific time or date by which all wells are required to be registered and permitted. General Counsel Embrey said that he was in favor of a specific time period.

Director Davis asked if any Board member or member of the public had any more questions and there were none.

Director Davis closed the Public Hearing at about 7:02 PM

4. Discuss and possibly act on matters related to the District Fee Schedule

Director Dower asked if the Board had any further comments about a period by which all wells must be registered. Director Van Ackeren expressed the position that one year seems like an appropriate time period. Director Davis asked if we could separate the Exempt Wells with regard to this penalty. It was agreed that that is possible and desirable.

Director Davis asked if there was any further discussion and there was none.

5. Adjourn

On a motion by Director Van Ackeren and a second by Director Hennings, the Board voted to adjourn the meeting – 5 Ayes to 0 Nays. The meeting was adjourned at about 7:10 PM.

PASSED, APPROVED AND ADOPTED THIS 9th day of September 2020

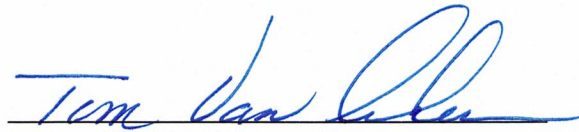

Tim Van Ackeren, Secretary



Exhibit A

Staff Presentation on Contents of Proposed Fee Schedule

Public Hearing – Part 1

Staff Presentation on Contents of
Proposed Fee Schedule

As a Well Owner, What Fees Will I Pay?

Southwestern Travis County Groundwater Conservation District
Board of Directors Regular Meeting and Public Hearing
August 12, 2020

Types of District Fees

Authorized but Fee Not Assessed by District Board

- Registration Fee
- Recurring Annual Per-Well Administrative Fee

Permit Application Fees, for Both Existing and Proposed Wells

- Production Authorization Application Fee, for Typically Larger Wells
- Production Authorization Renewal Fee, for Typically Larger Wells
- Existing Well Modification Application Fee, for Certain Existing Wells

Production Fees for Permitted Wells, for Both Existing and Proposed Wells

- Fee for Actual Production by Certain Larger Wells, Per Thousand Gallons

Fees Related Only to Installing Proposed Wells or Modifying Existing Wells

- Well Drilling Authorization Application Fee, for Proposed Wells
- Well Construction Fee, for Typically Larger Proposed Wells

Other Fees

- Service Connection Fee for Each New Connection to Public Water Supply Permittee
- Capping/Sealing/Plugging Fee, for Abandoned and Unused Wells
- Various Business Administration Fees (e.g., Returned Check Fee)

Do I Already Have A Well on My Property?

Yes

Apply to Register Well
with District for Free

No

You're good to go.
Thanks for visiting.

No, but I want one

Apply for Well Drilling
Authorization/Registration

District Determines
Type of Well

Exempt from
Permitting

Non-exempt – Qualifying
for General Permit by Rule

Non-exempt – Operating
Permit Required

Fees by Well Classification

Exempt Wells

❖ Criteria:

- Domestic Use with pumping capability less than 7 gpm
- Domestic and Livestock Use on more than 10 acres and pumping capability less than about 17.4 gpm
- A few other specialty-use wells (rig supply, fire suppression, dewatering wells, etc.)

❖ Fees:

- Registration – None
- Production from Existing or New Exempt Wells – None
- Well Drilling Authorization Application for **New Well** - \$500

Fees by Well Classification (continued)

Non-exempt Wells Qualifying for General Permits by Rule

❖ Criteria:

- Don't meet any Exempt criteria
- Domestic Use wells with pumping capability more than 7 gpm
- Aquifer test and monitor/observation wells

❖ Fees:

- Registration – None
- General Permit initial application - \$400 (\$200 in First Half FY 2021)
- General Permit renewal - \$200 every five years
- Production from Existing or New General Permit Non-exempt wells – None
- Well Drilling Authorization application for **New well** - \$500
- Well Construction Fee for **New** Non-exempt well under General Permit - \$500

Fees by Well Classification (continued)

Non-exempt Wells Requiring Operating Permits

❖ Criteria:

- Don't meet any Exempt criteria
- Don't qualify under a General Permit by Rule
- Differentiate wells for Non-Agricultural and Agricultural Use

❖ Fees:

- Registration - None
- Operating Permit initial application
 - Agricultural Use - \$400 (\$200 in First Half FY 2021)
 - Non-Agricultural Use - \$750 (\$375 in First Half FY 2021)
- Operating Permit renewal –
 - Agricultural Use - \$300 annually (\$150 if no PH required)
 - Non-Agricultural Use - \$400 annually (\$200 if no PH required)

(Fees continue on next page)

Fees by Well Classification (continued)

- **Non-exempt Wells Requiring Operating Permits (continued)**

- ❖ Fees (*cont'd*):

- Production from Existing or New Non-exempt wells under Operating Permit (paid quarterly):
 - Agricultural Use – 4 cents per thousand gallons of actual use
 - Non-Agricultural Use – 20 cents per thousand gallons of actual use
- Well Drilling Authorization application for **New** well - \$500
- Well Construction Fee for **New** Non-exempt wells under Operating Permit:
 - Agricultural Use - \$500
 - Non-Agricultural Use - \$1000
- One-time Connection Fee for new service connections to public water system wells:
 - New RV slip connection - \$200 each (paid by PWS well permittee)
 - Other new PWS connection - \$1000 each (paid by PWS well permittee)

Minor/Major Modifications of Previously Installed Wells/Permits

Minor Modifications Include:

Transfers of ownership without changing type or amount of use • Reductions in permitted volume • Changing well from Non-exempt to Exempt based on changes in type of use or production volume • Alteration of well physical configuration or well system that does not produce “major well modifications” • Converting one well to a multi-user well • Aggregating two or more individually permitted wells by the same permittee under one permit • Increases of permitted volumes by less than 10% in aggregate over three-year period (if they do not produce “major well modifications”).

Applicable Fees For Minor Modifications:

- *Exempt wells:* WDA application - Yes. WDA application fee - ~~\$0~~. Well Construction Fee - \$0.
- *Wells under General Permits:* WDA application - Yes. WDA application fee -~~\$0~~. Well Construction Fee - ~~\$0~~. No PH on permit change.
- *Wells under Operating Permits:* WDA application – Yes. WDA application fee - As proposed (\$400 Non-Ag; \$300 Ag). Well Construction Fee - ~~\$0~~. No PH on permit change.

Minor/Major Modifications of Previously Installed Wells/Permits

Major Modifications Include:

Increases in production that change well from Exempt to Non-exempt • Increases in permitted volumes by 10% or more in aggregate over three-year period • Alteration of well's physical configuration such that the groundwater production is from a different Aquifer Management Zone • Increases in permitted production such that stipulated well spacing cannot be achieved.

Applicable Fees For Major Modifications:

- *For all such wells: Well essentially becomes a proposed new well*
- *For all such wells: WDA application – Yes. WDA application fee - \$500 as proposed*
- *If well remains or will be Exempt: Well Construction Fee - \$0; no PH required*
- *If well remains or becomes Non-exempt and is/will be under a General Permit: New GP application fee - \$400. Well Construction Fee - \$500; PH required*
- *If well remains or becomes Non-exempt and is/will be under an Operating Permit: New OP application fee – \$400 (unless Ag well - \$300). Well Construction Fee - \$1000 (unless Ag well - \$500); PH required*

Public Hearing – Part 2

1. Comments and Questions by Directors
2. Comments by the Public