

MINUTES

for

Wednesday, November 29, 2023, at 2:00 PM

PERMIT HEARING ON GRANDFATHERED USE PERMITS and OPERATING PERMITS, and REGULAR BOARD MEETING

of the

BOARD OF DIRECTORS

of the

NORTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT

In-person meeting location:

Board Room located at 1100 Circle Drive, Fort Worth, TX 76119

Permit Hearing

The Permit Hearing will begin at 2:00 PM. All interested parties are invited to attend.

Notice is hereby given that the Board of Directors of the Northern Trinity Groundwater Conservation District (District) will hold a Permit Hearing and may discuss, consider, and take all necessary action regarding the subject matters of the hearing, including but not limited to approving the application(s) listed below.

Agenda:

1. Call to order; establish a quorum; declare the meeting open to the public; introduction of the Board.

President Laughlin called to order the November 29, 2023, Open Meeting for the Permit Hearings and Regular Board Meeting at 2:00 P.M. A quorum was established, and the meeting was opened to the public.

Board Members present: President Laughlin
Vice President Cozart
Secretary Merritt
Director Gladbach

Board Member Absent: Director Haster

Staff Present: Corey Jones, General Manager
Hi Newby
Laura Schumacher

Remote via telephone: Ty Embrey, Lloyd Gosselink - Attorney for the District

2. Review the Grandfathered Use Permit Application(s) of:

Applicant: Kenneth Copeland Ministries

Location of Well System: 14355 Morris Dido Rd, Newark, TX 76071

Well 1-N-2016-1083 - Latitude: 32.987700° N Longitude: -97.475533° W
Well 2-N-2016-1084 - Latitude: 32.987983° N Longitude: -97.476433° W
Well 3-N-2016-1082 - Latitude: 32.989233° N Longitude: -97.475550° W
Well 4-N-2016-1086 - Latitude: 32.989222° N Longitude: -97.475667° W

Purpose of Use: PWS

Requested Annual System Production: 10,583,842 gallons

Production Capacity of Well(s): ≤25 GPM each

Aquifer: **Well 1-** Antlers (P) **Well 2-** Antlers (TM) **Well 3-** Antlers (TM) **Well 4-** Antlers (P)

President Laughlin asked Corey Jones, General Manager, to introduce the Grandfathered Use Permit Application (GUPA) for Kenneth Copeland Ministries.

The well system is comprised of four (4) wells for a public water supply. The application request is based on the reporting period of 2016.

Kenneth Copeland Ministries had no representatives present at the hearing.

President Laughlin called for additional discussion. GM recommended approval of Kenneth Copeland Ministries' GUPA as presented.

Vice President Cozart made the motion to approve the Grandfathered Use Permit Application for Kenneth Copeland Ministries as presented. Director Gladbach seconded the motion. Board voted unanimously to accept the motion.

Applicant: City of Keller

Location of Well: 1199 Bear Creek Parkway, Keller, TX, 76248

N-2016-1201 - Latitude: 32.932748° N Longitude: -97.226457° W

Purpose of Use: Pond

Requested Amount of Use Annually: 7,742,000 gallons

Production Capacity of Well: 75 GPM

Aquifer: Paluxy

GM introduced the application for the City of Keller. The City of Keller operates a well that provides water to a pond. The permit application request is based on the City's 2017 production reports.

Cody Mabery, representing the City of Keller, discussed the groundwater well's usage with the Board.

President Laughlin called for a motion to approve the permit application.

Vice President Cozart made the motion to approve the Grandfathered Use Permit Application for the City of Keller as presented. Secretary Merritt seconded the motion. Board voted unanimously to accept the motion.

Applicant: HEB ISD

Location of Well: 1601 Brown Trail, Hurst, TX, 76054

N-2016-1572 - Latitude: 32.842940°N Longitude: -97.165290° W

Purpose of Use: Irrigation
Requested Amount of Use Annually: 2,545,800 gallons
Production Capacity of Well: 75 GPM
Aquifer: Paluxy

Applicant: HEB ISD

Location of Well: 500 N. Industrial Blvd, Euless, TX, 76039
N-2017-025 - Latitude: 32.842917°N Longitude: -97.094722° W
Purpose of Use: Irrigation
Requested Amount of Use Annually: 10,068,700 gallons
Production Capacity of Well: 160 GPM
Aquifer: Paluxy

GM Jones presented the Grandfathered Use Permit Applications for the two (2) wells operated by HEB ISD.

GM Jones informed the Board that most HEB ISD sports fields have converted to turf.

President Laughlin called for further discussion. No further discussion by the Board.

President called for a motion to approve both HEB ISD Grandfathered Use Permit Applications.

Vice President Cozart made the motion to approve both applications for the HEB ISD wells as presented. Director Gladbach seconded the motion. Board voted unanimously to accept the motion.

No representative for HEB ISD was present at the Board meeting.

Applicant: U.S. Lime Company

Location of Well System: 1750 Brennan Ave., Fort Worth, TX 76106
Well 1-N-2019-0129 - Latitude: 32.788421° N Longitude: -97.333570° W
Well 2-N-2019-0130 - Latitude: 32.788462° N Longitude: -97.333788° W
Purpose of Use: Industrial
Requested Annual System Production: 19,645,736 gallons
Production Capacity of Well: ≤46 GPM each
Aquifer: Paluxy

GM Jones presented the Grandfathered Use Permit Application for U. S. Lime Company.

Additionally, to be presented later in the Agenda, U. S. Lime Company is seeking additional gallons with an Operating Permit Application.

U. S. Lime Company operates a two-well system used for industrial purposes.

Board discussed the permit applications. President Laughlin called for a motion to approve the Grandfathered Use Permit Application System for U. S. Lime Company.

VP Cozart made the motion to approve the two-well Grandfathered Use Permit Application system for U. S. Lime Company as presented. Secretary Merritt seconded the motion. Board voted unanimously to accept the motion.

Vivian Tran and Wendell Smith represented U. S. Lime Company at the hearing.

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3. Public Comment on the Grandfathered Use Permit Application(s).

Public discussion was held when the Grandfathered Use Permit Applications were presented for Board consideration.

No additional discussion.

4. Consider and act upon the Grandfathered Use Permit Application(s), including the designation of parties and/or granting or denying the Grandfathered Use Permit Application(s) in whole or in part, as applicable.

Board action was taken during each Grandfathered Use Permit Application presentation for Board consideration.

President Laughlin closed the Grandfathered Use Permit Hearing.

President Laughlin opened the Operating Permit Hearing.

5. Review the Operating Permit Application(s) of:

Applicant: MC Estates, LLC

Location of Well: 1400 Ranchers Legacy Tr., Fort Worth, TX 76126

N-2023-0219 - Latitude: 32.689100° N Longitude: -97.528400° W

Purpose of Use: PWS

Requested Amount of Use Annually: 2,100,000 gallons

Production Capacity of Well: 35 GPM

Aquifer: Paluxy

President Laughlin asked GM Jones to introduce the Operating Permit Application for MC Estates, LLC.

Bryan Erwin was in attendance, representing himself as the driller of record and MC Estates, LLC. Additionally, a representative from Kiewit was in attendance.

GM Jones informed the Board that the new well for MC Estates, LLC would be a public water system for a Kiewit Corporation maintenance facility.

GM recommended approval of the Operating Permit Application as presented.

Board President called for additional questions. The Board had none.

President Laughlin called for a motion to approve.

VP Cozart made the motion to approve the Operating Permit Application for MC Estates, LLC, as presented. Secretary Merritt seconded the motion. Board voted unanimously to accept the motion.

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Applicant: U.S. Lime Company

Location of Well System: 1750 Brennan Ave., Fort Worth, TX 76106

Well 1-N-2019-0129 - Latitude: 32.788421° N Longitude: -97.333570° W

Well 2-N-2019-0130 - Latitude: 32.788462° N Longitude: -97.333788° W

Purpose of Use: Industrial

Requested Annual System Production: 9,299,419 gallons *(in addition to Grandfathered Use Permit)*

Production Capacity of Well: ≤46 GPM each

Aquifer: Paluxy

GM Jones informed the Board that the Operating Permit Application for U. S. Lime Company was for additional gallons to supplement the Grandfathered Use Permit approved earlier during the Grandfathered Use Permit Hearing.

U. S. Lime Company is requesting additional gallons due to increased production in lime slurry demand with a 15% projected future demand.

Board President called for additional questions. The Board had none.

President Laughlin called for a motion to approve.

VP Cozart made the motion to approve the Operating Permit Application for U. S. Lime Company as presented. Secretary Merritt seconded the motion. Board voted unanimously to accept the motion.

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6. Public Comment on the Operating Permit Application(s).

Public discussion was held when the Operating Permit Applications were presented for Board consideration.

No additional discussion.

7. Consider and act upon the Operating Permit Application(s), including the designation of parties and/or granting or denying the Operating Permit Application(s) in whole or in part, as applicable.

Board action was taken during each Operating Permit Application presentation for Board consideration.

8. Adjourn or continue Permit hearing.

Operating Permit Hearing was adjourned at 2:20 P.M.

Regular Board Meeting

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

All interested parties are invited to attend.

The Board may consider, discuss, and take action, including expending funds, on any of the following agenda items:

AGENDA:

1. Call to order, establish a quorum, and declare the meeting open to the public.

Public meeting was called to order, a quorum was established, and the meeting was open to the public at 2:20 P.M.

2. Public Comment.

Jeff Lukawski, resident of Wolf Creek Association Community near Silver Creek Road and 1886 – Confederate Parkway, appeared before the Board to discuss the TCEQ permit to build a proposed landfill – Recycling facility and to inform the Board of the meeting to discuss the TCEQ permit scheduled for December 5, 2023, at 7:30.

Brief Board discussion on Mr. Lukawski's comments.

No additional public comments.

3. **Consent Agenda:** Each of these items is recommended by the Staff, and approval thereof will be strictly on the basis of the Staff's recommendations. Approval for the Consent Agenda authorizes the General Manager or his designee to implement each item in accordance with the Staff recommendations. The Consent Agenda will be approved as a block. Any Board member who has questions regarding any item on the Consent Agenda may have the item pulled and considered as a regular item on the agenda. Any items so pulled for separate discussion will be considered as the first items following approval of the Consent Agenda.
 - A. Approval of minutes from the Board meeting on September 21, 2023.
 - B. Approval of Current Budget Performance - Operating and Investment account statements.
 - C. Payment of bills/invoices received.
 - D. Reimburse the General Manager, Field Tech, and/or Office Manager for invoices/bills paid on behalf of the District.

President Laughlin led the discussion for a budget and expenditures review, including public education for water conservation and training for staff that would broaden technical, scientific, and political knowledge to enhance staff's ability to manage groundwater.

Another Budget account for review would be expenditures for Professional services to enhance the website for a more user-friendly site and education, including additional information for conserving groundwater.

Board discussed irrigation wells that fill ponds and the loss of water due to evaporation. President Laughlin asked the attorney if the District should address groundwater loss referencing the TCEQ charge to replenish evaporated water.

Attorney Embrey addressed the definition of Waste in Chapter 36 and the possibility of the definition being reviewed and revised in the next legislative interim and legislative session.

President Laughlin called for the approval of the Consent Agenda.

Vice President Cozart made the motion to accept the Consent Agenda as presented. Director Gladbach seconded the motion. President Laughlin called for a Board vote. Vote was unanimous to accept the Consent Agenda as presented.

4. Any items from the Consent Agenda that were pulled for further discussion.

No items were pulled from the Consent Agenda for further discussion.

5. Discuss, consider, and act upon potential violations of District Rules by:
 - Erwin Drilling

GM discussed the drilling violation for Erwin Drilling. Bryan Erwin, driller, was present. GM informed the Board that one well was drilled 38 days after the registration expired, and the second well was drilled 96 days after the registration expiration. There was no extension request from the driller to extend the registration.

President called for discussion. GM recommended combining both wells for First Major Violation Rule 8.7(C)(1).

President Laughlin made the motion that the First Major Violation for Bryan Erwin is \$500 and that both wells must be registered with the District and pay applicable application/registration fees. Vice President Cozart seconded the motion. The Board vote was unanimous to accept the motion.

6. Consider and possibly act on regulatory matters associated with Samantha Springs, LP.

President Laughlin introduced Agenda Item 6.

President Laughlin called the Board into Executive Session at 2:56 P.M. in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated for consultation concerning attorney-client matters (§551.071).

President Laughlin closed the Executive Session at 3:11 P.M. and reconvened the Regular Board Meeting at 3:11 P.M.

President Laughlin called for a motion for action on Agenda Item 6.

Vice President Cozart made the motion to authorize staff and legal counsel to finalize the settlement agreement to be presented to the Board and Board President for signature with two modifications, the first being clarifying language related to access to the property for monitoring activity being changed from four times a year to two times a year with the condition that there are up to two additional requests per year in the event of mechanical repairs or failures with reasonable notice timeframes. Second, being an additional whereas statement that the parties are working together in furtherance of the State of Texas' goals to protect, preserve, and conserve groundwater in Tarrant County, Samantha Springs, and the Northern Trinity Groundwater Conservation District desire to use boreholes to conduct annual groundwater monitoring.

Director Gladbach seconded the motion. Board vote was unanimous.

7. G M Report
 - GMA 8 Model Update
 - Grandfathered Use Notices

- Monitor Well Update
- Feature District TAGD Article

GM presented his report to the Board.

GM updated the Board on the progress of the GMA 8 Model Update and the additional Grandfathered Use Permit notices sent to reporting entities via email in addition to the previous mailings.

Hi Newby presented updates to monitor wells scheduled to have Eno Scientific units installed and potential monitor wells.

GM presented the Texas Alliance of Groundwater Districts' article featuring the Northern Trinity GCD.

GM and Board additionally discussed representation at Region C, Silver Creek landfill site, Senate Bill 2440 related to groundwater availability studies for newly platted properties, and the status of the Management Plan Update submitted to the TWDB.

8. Board Reports

No Board action.

9. Other Business / Setting of next meeting

President Laughlin called the Board into Executive Session at 3:45 P.M. in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated for consultation concerning personnel matters (§551.074).

President Laughlin closed the Executive Session at 3:51 P.M. and reconvened the Regular Board Meeting at 3:51 P.M.

No action was taken.

The Board discussed the next potential Board Meeting date. The next Board of Directors' meeting was not set.

10. Adjourn.

President Laughlin adjourned the meeting at 3:51 P.M.

PASSED, APPROVED AND ADOPTED BY THE BOARD OF DIRECTORS this

26th day of March 2024.

Attest: , Secretary of NTGCD Board