

NORTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT

1100 Circle Drive, Suite 300 Fort Worth, Texas 76119

Minutes

for

May 20, 2020 at 2:00 PM

PERMIT HEARING, AMENDMENTS TO MANAGEMENT PLAN and DISTRICT RULES

and

REGULAR MEETING

of the

BOARD OF DIRECTORS

In accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act, the Northern Trinity Groundwater Conservation District (NTGCD) will hold public hearings on proposed Operating Permits, proposed amendments to Groundwater Management Plan and rules Wednesday, May 20, 2020, at 2:00 p.m. by telephonic conference call. The public may call in to this meeting by calling 1-888-599-1357 and entering the following code: 8529.

All interested parties are encouraged to provide input, and members of the public wishing to make public comment during the meeting must register by emailing lauraschumacher@ntgcd.com prior to 2:00 p.m. on May 20, 2020. This meeting will be recorded and the audio recording will be made available upon request after the meeting by sending an email to lauraschumacher@ntgcd.com.

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 applications listed below.

PERMIT HEARING on OPERATING PERMITS

AGENDA:

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

Permit Hearing for Operating Permit was called to order. A quorum was established. The meeting was declared open to the Public at 2:06 P.M.

President Laughlin polled the Board Members for attendance. Directors present were President Laughlin, Vice President Cozart, Directors Haster and Petterson.

Bob Patterson, GM; Corey Jones and Laura Schumacher, District Staff; and outside consultants to the District Ty Embrey, Attorney; and Wade Oliver, Hydrologist were introduced.

President Laughlin recognized members from the public as listed under the Agenda Item of their interest.

2. Review the Operating Permit Application of:

Applicant: QW Beach 5410, LLC

Location of Well: 5410 North Beach Street Haltom City, Texas 76137

Latitude: 32° 50.702'N Longitude: -97° 17.372'W

Purpose of Use: Commercial / Small Business – Provide groundwater for use at a car wash

Requested Amount of Use Annually: 4,380,000 gallons

Production Capacity of Well: 50 gallons per minute

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This Agenda Item was heard after the Public Hearing for the Operating Permit for the City of Pelican Bay.

GM explained the water usage for this Operating Permit would be for a car wash. The application is complete.

QW Beach 5410, LLC did not have representatives attending this meeting.

Board discussed the possible usage of city water in lieu of groundwater.

President Laughlin called for an approval of the application for Operating Permit.

Vice President Cozart made the motion to approve the Operating Permit for QW Beach 5410, LLC at 4,380,000 gallons annually. Director Haster seconded the motion to approve. President Laughlin called for a Board vote. The Board was polled individually. Board vote was unanimous for approval of the Operating Permit for QW Beach 5410, LLC at 4,380,000 gallons annually.

President Laughlin ask Ty Embrey, Attorney about requirements for a car wash to recycle water and if the District could regulate a recycling requirement. Currently, Attorney Embrey is not aware of another GCD requiring recycling for industrial use.

Applicant: City of Pelican Bay

Location of Well: 10900 Liberty School Road Pelican Bay, TX 76020

Latitude: 32° 55' 30.52" N Longitude: -97° 31' 18.97" W

Purpose of Use: Public Water Supply

Requested Amount of Use Annually: 15,768,000 gallons

Production Capacity of Well: 30 gallons per minute

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This Agenda Item was heard before the Board Hearing for an Operating Permit for QW Beach 5410, LLC.

Attending the meeting by teleconference for the City of Pelican Bay included:
Mr. Justin Ivy, P. E. Birkhoff, Hendricks & Carter, L.L.P.
Mr. Kerry Maroney, P.E. Biggs & Mathews, Inc.
Mr. David Dryden, Alderman Place # 1 for the City of Pelican Bay

GM introduced the Operating Permit request for the City of Pelican Bay public water supply (PWS) well. TCEQ required the City to provide an emergency use well. The requested production is 15,768,000 gallons per year; capacity is 30 gallons per minute (GPM).

President Laughlin verified the application is complete. He polled the Board individually requesting any additional questions or comments on this Permit. Board had no additional comments or discussion.

GM discussed the spacing impact statement presented to the District at an earlier date by Wade Oliver with Intera having practically no effect on the level of the aquifer. The Board will be approving a 250' exception to spacing.

President Laughlin ask about the primary usage for the water. Mr. Ivy, P.E. representing City of Pelican Bay responded that the well will be used for normal water supply. President Laughlin requested Mr. Dryden, Alderman for the City of Pelican Bay to address City's long term plan for public water supply. Alderman Dryden established the City's PWS is currently 100% groundwater. The President requested the City to consider discussions regarding conserving groundwater by connecting to wholesale water providers.

President Laughlin called for additional questions from the Board. The Board had none.

President Laughlin called for a motion for acceptance and approval of the application for Operating a Permit for the City of Pelican Bay as described in the application.

Vice President Cozart made the motion to approve the Operating Permit for the City of Pelican Bay's PWS well with the annually usage to be 15,768,000 gallons. The motion was seconded by Director Petterson. The Board was polled individually. Board vote was unanimous for approval of the Operating Permit for City of Pelican Bay at 15,768,000 gallons annually.

3. Public Comment on the Operating Permit Applications.

Public comment was taken during the Hearing for the Operating Permit application for Pelican Bay. No public comment during the Hearing for the Operating Permit application for QW Beach 5410, LLC.

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

Board action was taken during the individual Hearing for each Operating Permit application.

5. Adjourn or continue permit hearing.

Operating Permit Hearing adjourned at 2:30 P.M.

Notice of Public Hearing on Amendments to Management Plan and District Rules

The Public Hearing will begin at the conclusion of the Permit Hearing. 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 Public Hearing and may discuss, consider, and take all necessary action regarding the subject matters of the hearing.

AGENDA:

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

Public Hearing on Amendments to Management Plan was called to order. A quorum was established. The meeting was declared open to the Public at 2:31 P.M. Directors present were President Laughlin, Vice President Cozart, Directors Haster and Petterson.

2. Welcome and introductions.

Ms. Rimmer, a land owner in Tarrant County was introduced.

3. Discuss, Consider and Adopt proposed amendments to Groundwater Management Plan.

President Laughlin verified each attending Board member has documents pertaining to the Public Hearing.

As a reminder to the Board, President Laughlin explained the Groundwater Management Plan is required to be updated and re-adopted by the District every 5-years. The next date for re-adoption is June 23, 2020.

Wade Oliver with Intera was in attendance via teleconference to respond to questions on the Groundwater Management Plan.

Ty Embrey, Attorney and Wade Oliver, Hydrologist addressed the revisions to the Groundwater Management Plan including:

- **Compliance with the Water Development Board with updated water use numbers from TWDB dataset and Regional Planning numbers.**
- **Added a reference to a recent subsidence study completed by the Water Board.**
- **Added language regarding the District's relationship to Benbrook Water Authority.**

Mr. Oliver representing the District submitted the Management Plan to TWDB on January 13, 2020 for pre-review. Comments were received in early February that minor changes would be required but, a second review was not necessary.

Board President called for questions on the Groundwater Management Plan.

No questions on Groundwater Management Plan.

Board delayed voting on the revised Management Plan until after reviewing the possible Rules amendments.

4. Discuss, Consider and Act on Possible Amendments to the District Rules adopted December 17, 2018 and amended November 21, 2019.

Board discussed Proposed Revision # 2 before Proposed Revision # 1 to the District Rules:

Proposed Revision 2. Notices for Permit Applicants – Revised Subsection (c) to Rule 5.3 to make the individuals who must receive notice of the permit application to the spacing distances provided for wells under Rule 4.2 as follows:

(Current Rule)

- (c) All permit applicants must provide notice to all landowners and to all well owners of existing registered or permitted wells that are located within the distance radius provided for well spacing in Rule 4.2(a) a one-fourth (1/4) mile radius of the existing well or proposed well that is the subject of the application.

*Board discussion with Ms. Rimmer referencing **Proposed Revision 2 - Notices for Permit Applicants.** Board President addressed Ms. Rimmer's concerns with this rule revision affecting her property. If the wells drilled on Ms. Rimmer's property are solely for domestic use, the wells would not require a District Use Permit. Ms. Rimmer agreed her concerns were addressed.*

Ty Embrey, Attorney discussed Rules Proposed Revisions 1 and 3.

Proposed Revision 1. Closed Loop Geothermal Wells – Added Subsection (4) to Rule 2.1(a) as follows:

- (4) The owners of a closed loop geothermal wells must provide written notice of the existence of such a well to all owners of registered wells located within 200 feet of the closed loop geothermal well.

Proposed Revision 3. Permit Terms for Wells that will produce groundwater for transportation outside NTGCD's boundaries – Added new Rule 13.3 to be consistent with Section 36.122(i) and (j) of the Texas Water Code as follows:

RULE 13.3 PERMIT TERMS FOR TRANSPORTATION OF GROUNDWATER

- (a) For permits that authorize the transportation of groundwater the term of the permit shall be:
 - (1) at least three years if construction of a conveyance system has not been initiated prior to the issuance of the permit; or
 - (2) at least 30 years if construction of a conveyance system has been initiated prior to the issuance of the permit.
- (b) A term under Subsection (a) shall automatically be extended to the terms agreed to

under Subsection (a) if construction of a conveyance system is begun before the expiration of the initial term.

President Laughlin ask for clarification for the transport permit terms and requirements. Requirements include an application for an Operating Permit, report usage, and pay a usage fee. GM reported that water transported out of the District pays 1 ½ times the charge for water that would be used within the District. Board discussion on the amount of water authorized to produce and transport under the permit terms and years permitted.

President Laughlin proposed a change to Proposed Revision 3-Rule 13.3 (a) (2). Instead of “at least” revise to “up to” 30 years.

The conveyance system will be reviewed and confirmed prior to the transportation permit being approved.

President Laughlin called for additional questions or comments. No further discussion on amendments to the Groundwater Management Plan or the District Rules.

Board President called for a motion to adopt the Groundwater Management Plan as presented.

Director Petterson made the motion to adopt the proposed amendments to the Groundwater Management Plan.

Director Haster seconded the motion. Board polled individually. Board vote to approve the proposed minor amendments and adopt the Groundwater Management Plan was unanimous.

Board President called for a motion to act on the three (3) proposed amendments to the District Rules including a revision to the transportation fees as discussed with the minor change to Proposed Revision 3-Rule 13.3 (a) (2). Instead of “at least” revised to “up to” 30 years.

Vice President Cozart made the motion to accept the three (3) proposed amendments to the District Rules including a revision to the transportation fees as discussed with the minor change to Proposed Revision 3-Rule 13.3 (a) (2). Instead of “at least” revise to “up to” 30 years.

Director Petterson seconded the motion. Board polled individually. Board vote to approve the three (3) proposed amendments to the District Rules including a revision to the transportation fees as discussed with the minor change to Proposed Revision 3-Rule 13.3 (a) (2). Instead of “at least” revise to “up to” 30 years was unanimous.

5. Adjourn or continue Hearing.

Public Hearing on Amendments to Management Plan and District Rules was adjourned at 3:15 P.M.

Regular Board Meeting

The Regular Board Meeting will begin upon adjournment of the above noticed Public 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 meeting open to the public.

The Regular Board Meeting for Northern Trinity GCD was called to order at 3:16 P.M. A quorum was established. The meeting was declared open to the Public at 2:31 P.M. Directors present were President Laughlin, Vice President Cozart, Directors Haster and Petterson.

2. Public Comment.

No public comment.

3. **Consent Agenda:** Each of these items is recommended by the Staff and approval thereof will be strictly on the basis of the Staff 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 that 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 Board meeting on January 16, 2020.
 - B. Approval of Current Budget Performance - Operating and Investment account statements.
 - C. Payment of bills/invoices received.
 - D. Reimburse General Manager, Field Tech, and/or Office Manager for invoices/bills paid on behalf of the District.

President Laughlin established the Board members received a copy of the Consent Agenda.

President Laughlin called for a motion to approve the Consent Agenda as presented.

Director Haster made the motion to approve the Consent Agenda as presented. Vice President Cozart seconded the motion.

President Laughlin called for a Board vote. Board polled individually. Motion passed unanimously.

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

No items were pulled for further review.

5. G M Report

- Trinity Alluvium Report

GM addressed the request from US Geological Survey (USGS) for information on the Trinity Alluvium. GM ask Wade Oliver to comment on the request. Mr. Oliver reported USGS is working on a Groundwater Project to develop a groundwater model for the Trinity River Alluvium. General Manager ask Mr. Oliver to respond to the data request from USGS. On behalf of the District, Mr. Oliver relayed to USGS that NTGCD did not have additional information related to the Trinity Alluvium. Mr. Oliver discussed other resources through the State that might be helpful to them. No further action by the District is required. Project is funded by TRA, Dallas Water Utilities and TRWA and North Texas Municipal Water District. Wholesale water providers are possibly interested in additional watershed availability from the shallow groundwater close to the river.

- Public Funds Investment Act Seminar
- TCEQ Rulemaking Webinar
- TAGD Joint Planning Seminar (Virtual)
- GMA 8 Meeting

General Manager explained to the Board that he is also the CFO for the District. As the CFO, he is required to attend a PFIA Seminar every other year.

GM gave a short report on the TCEQ Rulemaking Webinar, TAGD Joint Planning Seminar and the GMA 8 meeting.

No action taken.

6. Upcoming Groundwater Conferences

No action taken.

7. Other Business / Setting of next meeting

Board discussed the Show Cause Hearing for Samantha Springs motion from the January 16, 2020 Board meeting. The Show Cause Hearing for Samantha Springs scheduled for March 24, 2020 BOD meeting was canceled due to Covid-19 requirements for social distancing to slow the spread of the virus.

GM and Attorney Embrey discussed previous to this BOD meeting that the Show Cause Hearing for Samantha Springs should be scheduled at a time when the Board and the public could attend an in-person meeting therefore, the Show Cause Hearing was not an Agenda Item for this meeting.

Attorney Embrey reminded the Board the Show Cause Hearing would require a 20-day Public Notice.

Board President suggested a July meeting. July 23, 2020 at 2:00 is the next scheduled board meeting.

Meeting place to be determined. A Budget Presentation is scheduled for this meeting.

President Laughlin addressed the precautionary circumstances of a Show Cause Hearing due to Covid-19. Scheduling the Show Cause Hearing will be determined closer to the Board meeting date due to Covid-19 awareness for Tarrant County.

8. Adjourn.

President Laughlin called for the meeting to adjourn at 3:42 PM.

PASSED, APPROVED AND ADOPTED BY THE BOARD OF DIRECTORS this

23rd day of July, 2020.

Attest: N. Abigail Hunt, Secretary of NTGCD Board