

MINUTES

for the

2:00 PM Thursday, September 29, 2022

Permit Hearing on Grandfathered Use Permits and Permit Amendment

And

REGULAR BOARD MEETING of the BOARD OF DIRECTORS

for

NORTHERN TRINITY GROUNDWATER CONSERVATION DISTRICT

MEETING LOCATION:

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

Permit Hearing

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 Board.

President Laughlin called the meeting to order at 2:01 PM. A quorum was established, and the meeting was opened to the public.

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

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

Remote: Ty Embrey, Attorney
Wade Oliver, Hydrologist-Intera, Inc.

2. Review the Grandfathered Use Permit Applications of: POSTPONED

Applicant: Quality Technology Services, LLC

Location of Well System: 14100 Park Vista Blvd, Fort Worth, TX 76177

Well 1-N-2016-1686 - Latitude: 32°59' 21.6" N Longitude: -97°15' 27.3" W

Well 2-N-2016-1687 - Latitude: 32°59' 15.5" N Longitude: -97°15' 26.5" W

Purpose of Use: Irrigation

Requested Amount of Use Annually: 1,518,800 gallons

Production Capacity of Wells: Well 1- 100 GPM Well 2- 70 GPM

Aquifer: Antlers

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The General Manager postponed the presentation of the Grandfathered Use Permit Application due to non-completion of the required public posting by Quality Technology Services, LLC.

Applicant: Carlos J. Coll

Location of Well: 1441 Heritage Parkway S, Mansfield, TX 76063

N-2016-0187 - Latitude: 32°33' 17.48" N Longitude: -97° 7' 28.53" W

Purpose of Use: Irrigation

Requested Amount of Use Annually: 3,029,000 gallons

Production Capacity of Well: 25 gallons per minute

Aquifer: Woodbine

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Applicant: Carlos J. Coll

Location of Well: 1441 Heritage Parkway N, Mansfield, TX 76063

N-2018-0630 - Latitude: 32°33' 21.4" N Longitude: -97° 7' 31.0" W

Purpose of Use: Irrigation

Requested Amount of Use Annually: 1,043,270 gallons

Production Capacity of Well: 25 gallons per minute

Aquifer: Woodbine

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Applicant: Carlos J. Coll

Location of Well: 1401 Heritage Parkway, Mansfield, TX 76063

N-2016-1529 - Latitude: 32°33' 12.7" N Longitude: -97° 7' 34.4" W

Purpose of Use: Irrigation

Requested Amount of Use Annually: 486,120 gallons

Production Capacity of Well: 25 gallons per minute

Aquifer: Woodbine

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Applicant: Carlos J. Coll

Location of Well: 1351 Heritage Parkway, Mansfield, TX 76063

N-2016-1528 - Latitude: 32°33' 11.1" N Longitude: -97° 7' 35.1" W

Purpose of Use: Irrigation

Requested Amount of Use Annually: 1,665,990 gallons

Production Capacity of Well: 25 gallons per minute

Aquifer: Woodbine

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General Manager Jones recapped the four (4) Grandfathered Use Permit Applications for applicant Carlos Coll. Each well's grandfathered use permit application requests a different amount of pumpage per year. GM recapped the usage requested for each grandfathered use permit application.

Mr. Coll, the owner and operator of the wells was not present at the meeting.

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

No public comment.

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

President Laughlin called for Board discussion for the four (4) applications for Carlos Coll.

No questions or comments.

President Laughlin called for a motion to approve the Grandfathered Use Permit Applications for the four (4) wells owned and operated by Carlos Coll.

Vice President Cozart made the motion to approve the Grandfathered Use Permit Applications for the four (4) wells owned and operated by Carlos Coll.

Director Gladbach seconded the motion to approve the Grandfathered Use Permit Applications for the four (4) wells owned and operated by Carlos Coll.

President Laughlin called for a board vote. The vote was unanimous to approve the Grandfathered Use Permit Applications for the four (4) wells owned and operated by Carlos Coll.

- 5. Adjourn or continue Grandfathered Use Permit Application(s) hearing.

President Laughlin adjourned the Grandfathered Use Permit Application hearing at 2:06 P.M. and continue the Grandfathered Use Permit Application Amendment Hearing.

- 6. Review the Grandfathered Use Permit Application Amendment of:

Applicant: Margolf, Inc.
Location of Well System: 3200 Chapel Creek Blvd, Fort Worth, TX 76116
Well 1-N-2016-1081 - Latitude: 32°43' 26.7" N Longitude: -97°30' 16.3" W
Well 2-N-2016-1088 - Latitude: 32°43' 41.5" N Longitude: -97°30' 14.5" W
Purpose of Use: Irrigation from Pond
Requested Amount of Use Annually: 25,272,200 gallons
Production Capacity of Wells: South Well- 85 GPM North Well- 85 GPM
Aquifer: Paluxy

Ms. Marty Leonard, Mr. John Maddux and Mr. Steve Blondell represented Margolf, Inc.

GM Jones introduced the amendment for Grandfathered Use Permits # 27 and # 28. Margolf is seeking to combine Permit #27 and #28 for their well system. The wells form a system and Margolf is requesting the wells be permitted as a system, on a single permit, in lieu of two (2) separate permits.

President Laughlin called for questions or comments from the Board. GM recommended permitting the two (2) wells as a system with one (1) permit.

7. Public Comment on the Grandfathered Use Permit Amendment Application(s).
No public comment.

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

President Laughlin called for a motion to approve the request from Margolf to permit their two (2) wells as a system.

Director Gladbach made the motion for approval of the request from Margolf to permit their two (2) wells as a system.

Secretary Merritt seconded the motion. for approval of the request from Margolf to permit their two (2) wells as a system.

9. Adjourn or continue Grandfathered Use Permit Amendment Application(s) hearing.
President Laughlin adjourned the Grandfathered Use Permit Hearing at 2:09 P.M.

Regular Board Meeting

The Regular Board Meeting will begin upon 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 meeting open to the public.

President Laughlin called the meeting to order at 2:09 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
 Director Haster

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

Remote: Ty Embrey, Attorney
Wade Oliver, Hydrologist-Intera, Inc.

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'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 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 the Board meeting on June 30, 2022.
- 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 called for a discussion of the Consent Agenda. No discussion.

President Laughlin called for approval of the Consent Agenda.

Vice President Cozart made the motion to accept and approve the Consent Agenda as presented.

Director Haster seconded the motion to accept and approve the Consent Agenda as presented.

President Laughlin called for a Board vote to accept and approve the Consent Agenda as presented. Vote was unanimous.

4. Any items from 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 the following:

- Fidelity Investments- FMR Co.

GM reported previously in 2018, Fidelity came before the Board for operating an irrigation well pumping into a surface impoundment that was not reporting to the District. Fidelity did not disclose the operation of additional wells at that time. Fidelity began reporting water usage for the subject well at the May 10, 2018 Board Meeting. The Board of Directors did not issue a penalty at the May 10, 2018 meeting.

A new management company for Fidelity Investments noted an additional well on the Water Production Report for 2022.Semi Annual 1 (January-June) reporting period. The subject well was not registered with the District by Fidelity but was pumping water into an impoundment for irrigation usage.

The District field tech visited the site, and the well is now registered with the District as of August 10, 2022.

District potential violations are:

- Not registering a nonexempt well Rule 3.2;
- Water Production Reports Rule 3.8;
- and Rule 6.4 Failure to make fee payments.

GM recommended First Major violation Rule 8.7 (c) (1)-Failure to register a well where mandated by rules and report and pay fees back to 2018.

President Laughlin called for Board discussion.

President Laughlin called for a no-violation recommendation based on Fidelity bringing the non-reporting well to the District with the following recommendations:

- Immediately submit a Grandfathered Use Permit Application for the subject well
- Report and pay fees as requested by the General Manager

The Board stipulated that the next potential violation would result in a penalty.

President Laughlin called for the Board to make a motion for no action on the Rules violation for Fidelity Investments, but Fidelity would be subject to an agreement that the well would be registered, grandfathered use permit submitted and reported back to 2018 with payment of all production fees.

VP Cozart made the motion that there is a first major violation with no civil penalty. Next time before the Board will be a second violation with penalties. Fidelity would be subject to an agreement that the well would be registered, grandfathered use permit submitted, and water production reported back to 2018 with payment of all production fees.

Director Merritt seconded the motion that there is a first major violation with no civil penalty. Fidelity would be subject to an agreement that the well would be registered, grandfathered use permit submitted, and water production reported back to 2018 with payment of all production fees.

President called for a Board vote. Vote was unanimous to accept the motion and second for Fidelity Investments, Inc.

- **Margolf, Inc.**

The President of the Board called for the GM to present the potential violation for Margolf, Inc. Margolf, Inc. dba Leonard Golf Links over-pumped Grandfathered Use Permit # 28. After reviewing the wells owned and operated by Margolf, Inc., the two (2) wells registered with the District were deemed a well system. Earlier in the Permit Hearing, Margolf, Inc.'s two (2) wells

were amended to be operated as a system. GM's recommendation was not to levy a penalty for the over-pumping of Grandfathered Use Permit # 28 due to the wells being amended to a single Grandfathered Use Permit and more pumping efficiency.

VP Cozart made the motion that no civil penalty for over-pumping Grandfathered Use Permit # 28 is levied against Margolf, Inc.

President recognized the motion and called for a second. Secretary Merritt seconded the motion.

President Laughlin called for a Board vote. Vote was unanimous to not levy a civil penalty on Margolf, Inc.

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

President Laughlin called for an Executive Session at 2:34 P.M.

Regular Board meeting was resumed at 3:26 P.M.

7. G M Report

President Laughlin requested the GM to give his report to the Board.

- TRWD ASR Well –

The GM and Hi Newby, field tech, met with Woody Fossard and Brenton Dunn at TRWD's office. TRWD will have an injection well and a monitoring well. TRWD will register their well(s) and submit monthly reports of injection and removal of water and a yearly recap of the ASR well. Projected construction is to begin in 2023 with completion in 2024.

- Aqua Texas Grandfathered Permit progress –

Collier Consulting is currently working on the Grandfathered Use Permits.

- Viridian underreporting-

Viridian underreported production as a result of misreading the well meter on a single well. Viridian has submitted corrected water production reports and fees to the District.

- TAGD Summit-

GM recapped information presented at the TAGD Summit.

- Monitor Well progress-

GM requested Hi Newby present the monitoring well progress for the District. Mr. Newby reported the District is currently looking at a few wells in the southwest part of the County. The District is in the process of contacting the well owners of the locations to discuss the possibility of monitoring the wells. Additionally, a well owner on the eastern side of the County has been contacted for the possibility of equipping his well for monitoring the water level. TWDB is involved with the possibility of monitoring this well, also.

- City of Kennedale 2022 SA1-

City of Kennedale reported 2022.Semi Annual 1 water usage passed the due date and now owes a late fee due to paying water use fees for 2022.Semi Annual 1 14-days late. Board President suggested the GM contact the City Manager for the City of Kennedale.

Side note from GM: Reviewed the GMA 8 submittals to TWDB. TWDB will provide the Managed Available Groundwater (MAG) volumes by the middle of March.

Side note from GM: City of Euless will pause the drilling of the "2-Mil" well approved by the Board of Directors on January 26, 2022. Euless will most likely re-apply for the well in 2 to 5 years.

- Draft Business Plan

GM reviewed the Draft Business Plan with the Board. The Directors made comments.

- President would like to see users get into Swift Program or surface provider.
- Add a conservation article on the District's plan to facilitate larger users getting off groundwater.
- Educate public water supply providers' customers through direct contact information shared by the PWS providers. i.e., District information on PWS providers' websites linking to Northern Trinity GCD's conservation information.
- A chart illustration with aquifer usage for the largest users.
- Vice President Cozart commented on the plan's concise information.
- Director Haster would like to see a summary of revenue expenses used to benefit education and study the aquifer.

8. Board Reports

No action.

9. Other Business / Setting of next meeting

No other business.

The next Board of Directors' meeting was not set.

10. Adjourn.

The President of the Board adjourned the meeting at 3:59 P.M.

PASSED, APPROVED AND ADOPTED BY THE BOARD OF DIRECTORS this

13th day of December 2022.

Attest: , Secretary of NTGCD Board