

BLUEBONNET GROUNDWATER CONSERVATION DISTRICT

Board of Directors Meeting

Wednesday, January 16, 2013

6:00 PM

Bluebonnet Groundwater Conservation District
Board Room, Suite B & C
303 East Washington Avenue
Navasota, Texas

Minutes of the Meeting

In attendance: Directors Beckendorff, Blezinger, Davis, Groschke, Huebner, Minze, Olsta, Patout, Reed, Thomas, Vaughn and Ward; General Manager Holland, Administrative Assistant Paben, and Permitting Assistant Abney; District General Counsel Dugat, District Hydrogeologist Consultant Dr. Hutchison, and District Auditor Jim Ingram; Visitors Wayne Knox, Terri Vela, Bill Huntsinger, Glen Gilmore, Matt Breazale, Evalyn Moore, Mike McCall, Mimi Johnson, Tim N. Throckmorton, Bart Fletcher, Tom Hudson, Gayle Smith, Rick Welch, Amber Rice, Bob Gage, John Maresh, Charles Kalkomey, Jack Hamlett, and Vincent Morales.

1. Call to order

The meeting was called to order by President Patout at 6:05 PM.

2. Presentation by James Ingram and discussion of FY 2012 Audit performed by Ingram, Wallis & Company.

3. Discussion and possible action to accept FY 2012 Audit prepared by Ingram, Wallis & Company.

District Auditor Jim Ingram presented financial reports and discussed the good working relationship with the General Manager regarding the preparation of the FY 2012 Audit. Hearing no questions, Director Ward moved to accept FY 2012 Audit prepared by Ingram, Wallis & Company. Director Davis seconded. **Motion carried.**

4. Public Comment

(Public comment is limited to a maximum of 5 minutes per speaker and/or 30 minutes total time for all speakers)

Mike McCall representing Citizens Against the Landfill in Hempstead voiced his concerns and opposition towards the landfill.

Bill Huntsinger representing Citizens Against the Landfill in Hempstead spoke about the impact of Pintail Landfill.

Rick Welch represented himself as he voiced his concerns and opposition towards the Pintail Landfill.

Bob Gage represented himself as he voiced his concerns regarding the Pintail Landfill's impact to the groundwater.

5. Discussion and possible action to approve minutes of October 17, 2012 Board Meeting.

Upon review, Director Olsta moved to approve minutes of October 17, 2012 Board meetings. Director Minze seconded. **Motion carried.**

6. Discussion and possible action to approve quarterly Financial Report.

After reviewing the report, Director Minze moved that the Board approve the quarterly Financial Report. Director Blezinger seconded. **Motion carried.**

7. Discussion and possible action to approve quarterly Investment Report.
After a brief review, Director Thomas moved that the Board approve the quarterly Investment Report. Director Davis seconded. **Motion carried.**
8. Discussion and possible action to accept quarterly Drought Status Assessment.
GM Holland discussed the changes that have occurred in the last three months. Director Reed moved that the Board accept the Drought Status Assessment. Director Olsta seconded. **Motion carried.**
9. Committee appointments by President.
In accordance with Rule 2.4, BGCD Rules, the President established and made the appointments to committees for the year 2013. The appointments do not need confirmation by the Board.
10. Discussion and possible action on the proposed Type I Municipal Solid Waste Disposal Facility for Pintail Landfill, proposed Permit No. 2377 and TCEQ Executive Director's December 14, 2012 notice of application preliminary decision and draft permit including review by Dr. Bill Hutchison authorized by the Executive Committee on December 17, 2012.
After Dr. Hutchison presented the results of his simulation and evaluation of potential leakage on registered wells, the Board heavily discussed their concerns amongst one another and with the District's Hydrogeologist Consultant with Dr. Hutchison. Directors Minze, Olsta, and Davis voiced concerns regarding the groundwater movement and dispersion, as well as the recharge rate of the aquifer. Directors Reed and Vaughn expressed concerns about the possible contamination of the shallow unregistered wells within the District. Director Vaughn asked questions regarding the calibration and the model being based regionally. Director Ward called to a Point of Order regarding comments from visitor Rick Welch after speaking without being asked by the Board to participate in their discussion. Directors Blezinger and Huebner asked questions regarding the nearby creeks and liner requirements, respectively. Directors Beckendorff, Olsta, and Vaughn voiced concerns regarding the TCEQ Subtitle D requirements, monitoring wells detecting contamination, and the procedure once contamination is found. President Patout called out to visitor Rick Welch again for commenting to the Board during the Board's discussion without being asked to by the Board. Director Reed moved that the District provide comment to the TCEQ opposing the granting of this permit based on the information presented by Dr. Hutchison regarding possible contamination of shallow unregistered wells and including Dr. Hutchison's study along with the Board's comments. Director Davis seconded. Further discussion continued regarding the financial side of filing comments and that issuing comments in no way obligates the District to participate in a contested case. Directors Minze, Olsta, and Ward discussed expressing concerns and not opposition to the TCEQ. Director Ward moved to amend the motion on the floor to change opposing to expressing concerns and request that TCEQ do further study before proceeding with the granting of the landfill permit. Director Olsta seconded. **Motion carried.**
11. Discussion and possible action relating to the process and timeline associated with the review of pending non-exempt Well Development, Operating, and Transportation Applications of Electro Purification LLC.
Once, District General Counsel Dugat explained the process of the application and the SOAH hearing. He also mentioned that if contested, he recommends that the Board hire a new general counsel so that the Board and General Manager have two different

representations due to the conflict of interest since the SOAH hearing is a very formal process. Director Vaughn verified that this application was transporting water out of the District. Director Ward sought out information regarding the expectations of opposition to which GM Holland responded that since the applications are not administratively complete, the applications and notice have not been posted, but opposition is expected. GM Holland also stated that the identified end user is the City of Richmond/Rosenberg. Directors Minze, Beckendorff, and Blezinger asked questions regarding the impact of pumping to wells and submitting notice to both surrounding land and well owners. General Counsel Dugat stated that looking beyond the required half mile radius can be analyzed. Director Thomas commented on the heading up of this project, to which General Counsel Dugat responded by stating that it was a private company with a letter of intent with the cities. General Counsel Dugat restated that the Board needs to provide a clear reading of Rule 8.5 so that the process can move forward reminding the Board that hearing decision has to be within 60 days from complete application and that transport permits must be treated like permits within the District. He also restated that the Board needs to decide to hire another general counsel to represent the Board or General Manager if they participate in a SOAH hearing. The Board decided to table this item so that they can take time to read over the Rules and set a Special Called Meeting for February 6, 2013 at 6:00 PM.

12. Discussion and possible action of performance review and recommendations of Executive Committee of the General Manager.

After a brief discussion regarding a few changes within the documentation of the contract and adding a discussion about the health insurance reimbursement to the next agenda, this item was tabled for revisions and will be picked up at the Special Called Meeting set for February 6, 2013 at 6:00 PM.

13. General Managers Report
 - a. Well Registration/Permitting
 - b. TAGD
 - c. Region G & H RWPG
 - d. Vehicle Summary

14. Date for next Board meeting – February 6, 2013.

15. Adjourn

There being no further business, Director Blezinger moved that the meeting be adjourned. Director Thomas seconded. **Motion carried.** The meeting was adjourned at 8:02 PM.

The above minutes of the regular meeting of the Board of Directors of the Bluebonnet Groundwater Conservation District held on January 16, 2013, were approved and adopted by that Board on April 17, 2013.

J Jared Patout, President

ATTEST:

James Morrison, Secretary