



Legislation Details (With Text)

File #: AI 13-2323 **Version:** 2 **Name:** AgSCAP rescision - Koch
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Title: Consider recommendation from the Permits/Enforcement Committee to rescind the Agricultural Secondary Containment Assistance Program Agreement with George D. Koch.

Sponsors:

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Attachments: 1. KSELP-#1737623-v3-AgSCAP_Rescission_with_George_Koch

Date	Ver.	Action By	Action	Result
2/25/2020	1	Permits/Enforcement Committee		

Consider recommendation from the Permits/Enforcement Committee to rescind the Agricultural Secondary Containment Assistance Program Agreement with George D. Koch.

RECOMMENDED MOTION:

Move the board rescind the Agricultural Secondary Containment Assistance Program Agreement between the Edwards Aquifer Authority and George D. Koch.

SUMMARY

The purpose of this agenda item is for the board to consider a Permits/Enforcement Committee recommendation to rescind the Agricultural Secondary Containment Assistance Program (AgSCAP) Agreement between the Edwards Aquifer Authority and George D. Koch. Under EAA rules, certain above ground storage tank (AST) systems associated with agricultural activities and located within the Edwards Aquifer Recharge Zone (EARZ) are regulated by the EAA and must achieve a defined level of secondary containment. AgSCAP was developed to provide owners and operators of AST systems both technical and financial assistance to meet EAA rule requirements and to otherwise remedy potential non-compliant situations.

The Koch Ranch, located on the Edwards Aquifer Recharge Zone, in Hondo Texas, has a 1,000-gallon aboveground storage tank and associated piping which is currently out of service. Mr. George D. Koch, the owner, originally expressed interest in having this tank removed from the EARZ through AgSCAP assistance and ultimately entered into an AgSCAP landowner agreement on July 12, 2019.

Before any work was planned for his property, the owner contacted EAA staff on or about December 5, 2019, to indicate he had second thoughts of having the AST removed, and wished to keep it for possible future use. Since the tank is currently properly registered as being "out of service", it is not in violation of EAA rules. The owner is aware that if he chooses to bring this tank back into service,

he would be responsible for necessary containment upgrades before it could be placed into use.

At the February 25 meeting, the Permits/Enforcement Committee voted to recommend the board rescind the Agricultural Secondary Containment Assistance Program Agreement between the Edwards Aquifer Authority and George D. Koch. The Recission of Agreement, which has been reviewed by legal counsel, is attached.

M/WBE PARTICIPATION:

While this agenda item describes the procurement of goods or services by the EAA, the procurements are performed under this authorization, and therefore, this section is not applicable.

STRATEGIC PLAN REFERENCE:

This agenda item supports the EAA's policy direction as set forth in the EAA 2016-20 Strategic Plan: Goal D. Prevent the Pollution of the Aquifer.

FISCAL IMPACT:

None.