



Legislation Text

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Consider recommendation from the Permits/Enforcement Committee to accept the settlement counter-offer from Pesca Pluma, LLC, a Texas limited liability company, related to exceeding authorized groundwater withdrawals during 2016.

RECOMMENDED MOTION:

Move the board accept the counter-offer regarding the pending enforcement matter presented below.

SUMMARY:

The purpose of this agenda item is for the board to consider a Permits/Enforcement Committee recommendation to accept a counter offer from Pesca Pluma, LLC, which was identified as exceeding annual authorized industrial (Industrial Ag) groundwater withdrawal amounts during 2016 on Permit P107-068. This entity was permitted to withdraw 98.740 acre-feet. Pesca Pluma, LLC, reported a total of 129.838 acre-feet withdrawn, thus exceeding their annual authorized amount by 31.098 acre-feet. Through an administrative settlement based on a late-filed transfer, the entity was allowed additional authorization of 22.380 acre-feet, thus reducing the over-pumped amount to 8.718 acre-feet. The settlement offered for this alleged violation is \$4,529.76, which includes an escalator for a previous over-pumping violation, consistent with the EAA settlement guidelines.

On July 12, 2017, Mr. Buck Benson, on behalf of Pesca Pluma, LLC, sent a letter to EAA staff acknowledging the alleged violation and explaining problems the permit holder encounter with the separate meters on a shared well, that likely contributed to the over-pumped conditions. Pesca Pluma, LLC, stated their desire to present a counter-offer to the EAA to resolve this matter.

Since this is the first time Pesca Pluma, LLC, is being considered for a deferred settlement, they have offered to pay \$226.48 towards the settlement (representing 5% of the settlement amount), pay the \$200.00 administrative settlement associated with the late-filed transfer, and be allowed to defer collection of the remaining balance (\$4,303.28), pending no over-pumping through the end of 2018. The Pesca Pluma, LLC, counter-offer letter and a more detailed enforcement summary of this violation are attached to this item.

At the August 22 meeting, the Permits/Enforcement Committee voted to recommend the board accept the counter-offer as presented.

STRATEGIC PLAN REFERENCE:

This agenda item does not relate to a specific goal or action step within the Strategic Plan, but supports the general EAA mission.

FISCAL IMPACT:

Revenue received through compliance settlements is dedicated to the Conservation/Aquifer Protection Fund. This revenue is used solely to fund projects expressly devoted to the protection and benefit of the endangered species associated with the Edwards Aquifer. No revenue derived from compliance settlements is used to fund operating expenses or capital purchases of the EAA.