



Legislation Text

File #: AI 13-1863, **Version:** 2

Consider recommendation from the Permits/Enforcement Committee to accept the settlement counter-offer from the City of Selma, related to exceeding authorized groundwater withdrawals during 2017.

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 the permit holder listed below in response to an EAA settlement offer to resolve the enforcement matter related to exceeding 2017 annual authorized withdrawal amounts. This enforcement matter and proposed counter-offer received from the permit holder are summarized herein for committee consideration. If in the course of discussion, the committee determines the need to do so, it may enter into closed session to consult with General Counsel on this matter.

City of Selma

The City of Selma was identified as exceeding annual authorized irrigation groundwater withdrawal amounts during 2017 on Permit P100-191. This entity was permitted to withdraw 1,173.743 acre-feet, however due to critical period management reductions, was authorized to withdraw 1,133.836 acre-feet. The City of Selma reported a total of 1,217.736 acre-feet withdrawn; thus exceeding their annual authorized amount by 83.900 acre-feet. The settlement offered for this alleged violation is \$43,399.26, consistent with the EAA settlement guidelines.

On July 5, 2018, Mr. Larry Verner, on behalf of the City of Selma, sent an email to EAA staff acknowledging the alleged violation and explaining that potential leaks likely contributed to the over-pumped conditions. The City of Selma stated their desire to present a counter-offer to the EAA to resolve this matter. In that counter-offer, the City of Selma requests that they be allowed to pay \$2,169.96 of the settlement (5% of the settlement offer) and would attend an EAA Well Owner's Workshop to receive credit (\$1,000.00 credit) towards the remaining balance (\$40,229.30), which would be deferred pending no over-pumping through the end of 2019. In addition, the City of Selma would also perform a city-wide leak audit before the end of 2018.

At the July 24 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.