

Legislation Text

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Consider recommendation from the Permits/Enforcement Committee to accept a settlement counter-offer from the Ronald G. Heiligman and Jacqueline D. Heiligman, husband and wife, related to exceeding authorized groundwater withdrawals during 2017.

RECOMMENDED MOTION:

Move the board accept a 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.

Ronald G. Heiligman and Jacqueline D. Heiligman, husband and wife

Ronald G. Heiligman and Jacqueline D. Heiligman, husband and wife, ("the Heiligmans") were identified as exceeding annual authorized irrigation groundwater withdrawal amounts during 2017 on Permit P101-052. This entity was permitted to withdraw 316.000 acre-feet, however due to critical period management reductions, was authorized to withdraw 305.256 acre-feet. The Heiligmans reported a total of 314.444 acre-feet withdrawn; thus exceeding their annual authorized amount by 9.188 acre-feet. The settlement offered for this alleged violation is \$4,938.14, consistent with the EAA settlement guidelines.

On July 9, 2018, Mr. Ronald G. Heiligman submitted a letter to EAA staff acknowledging the alleged violation and explaining that they underestimated the amount of water that they needed to transfer at the end of the year. The Heiligmans stated their desire to present a counter-offer to the EAA to resolve this matter. However, due to requirements of the peak irrigation and harvest season, they would not be able to present the counter-offer to the July committee in person.

Since this is the first time the Heiligmans have over-pumped, they request to pay \$245.82 of the settlement (5% of settlement offer), and would attempt to send a representative to an EAA Well Owner's Workshop to receive credit (\$1,000.00 credit) towards the remaining balance (\$3,670.63), which would be deferred pending no over-pumping through the end of 2019. The Heiligmans counter-offer letter and a more detailed enforcement summary of this violation are attached to this item.

At the July 24 meeting, the Permits/Enforcement Committee voted to recommend the board accept

the counter-offer as presented, if the Heiligmans commit to attend an EAA Well Owner's Workshop.

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.