



Legislation Text

File #: REP 13-1074, Version: 1

Receive report from EAA staff on compliance efforts with permit holders and limited production well owners who exceeded authorized groundwater withdrawals in 2017.

STAFF RECOMMENDED MOTION:

This item is for discussion purposes only. No action required.

SUMMARY

The purpose of this agenda item is for the Permits/Enforcement Committee to receive a report from EAA staff regarding settlements with Edwards Aquifer groundwater withdrawal rights permit holders and owners of a limited production well (LPW) who exceeded authorized annual groundwater withdrawals in 2017.

In 2017, Critical Period Management (CPM) conditions were reached in the San Antonio pool (being in Stage 1 for 61 days) resulting in an overall annual reduction of 3.4%; the Uvalde pool remained out of CPM conditions in 2017. Due to the CPM reductions, the total authorized groundwater available for use in 2017 was 555,472 acre-feet, against a total of 359,852 acre-feet pumped. EAA staff identified 31 permit holders who exceeded their 2017 annual permitted amounts, as adjusted by CPM, by a combined total of about 783 acre-feet.

Of the 31 permit holders, five over-pumped due to CPM reductions only, 12 over-pumped for the first time, and two also failed to timely file required 2017 CPM monthly use reports. In addition, nine of these matters were settled with either a 'no violation' judgement or settled administratively (paying \$200) after providing additional evidence to staff, and three sought deferred settlements through a counter-offer to the board (totaling \$52,602.99 in deferred settlements). Fourteen over-pumpers paid their settlement offer to the EAA, and along with the administrative settlements and counter-offer settlements, EAA has collected \$36,503.98 from 23 permit holders. In addition, six over-pumpers attended the EAA Well Owners Workshop as part of their settlement agreement.

EAA staff continues to work with four over-pumpers attempting to achieve a settlement.

Four owners of limited production wells (LPWs) exceeded the 1,400 acre-feet allowed per calendar year during 2017. One of the owners exceeded for the first time, and returned a signed acknowledgment ensuring future annual withdrawals remain within the allowable limits, while three LPW owners have over-pumped for a second time.

At the October 23 meeting, staff will provide a report to the committee and will explain next steps in the EAA's compliance process.

M/WBE PARTICIPATION:

This agenda item does not involve the procurement of goods or services by the EAA and, therefore, this section is not applicable.

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:

The revenue received through compliance settlements is dedicated to the Endangered Species Mitigation 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 the operating expenses or capital purchases of the EAA.